Responses to Comments

This appendix to the Final Environmental Impact Report (EIR) for the Eddie Jones Warehouse, Manufacturing & Distribution Facility Project (project) includes a copy of all comment letters that were submitted regarding the Draft EIR (DEIR), along with responses to comments in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The 64-day review period for the DEIR began on October 26, 2023, and ended on December 29, 2023.¹

The responses amplify or clarify information provided in the DEIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project unrelated to its environmental impacts) are noted for the record. Where text changes in the DEIR are warranted based on comments received or updated project information, those changes are noted in the response to the comment and the reader is directed to Table 1-2 in Chapter 1, Summary of Changes to the DEIR, of the Final EIR.

The changes to the analysis contained in the DEIR do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the DEIR is not required.

All written comment letters received on the DEIR are listed in Table 1. Each of the written comment letters has been assigned an alphanumeric label to facilitate identification and tracking, and the individual comments within each written comment letter are bracketed and numbered (see Table 1). Individual comments and the responses to them were assigned corresponding numbers (e.g., A1-1, A1-2, A1-3). To aid readers and commenters, electronically bracketed comments have been reproduced in this document, with the corresponding responses provided immediately following the comments.

Table 1. Comments Received on the DEIR

| Comment Letter Designation | Commenter | Date |
|-------------------------------|--|-------------------------------|
| Agencies | | |
| A1 | California Department of Fish and Wildlife | December 8, 2023 |
| A2 | California Department of Toxic Substance Control | December 11, 2023 |
| A3 | California Department of Transportation | December 28, 2023 |
| A4 | U.S. Fish and Wildlife Service | January 5, 2024 (late letter) |
| Organizations | | |
| 01 | Buena Vista Audubon Society | November 30, 2023 |
| 02 | San Diego County Archeological Society | December 3, 2023 |
| 03 | Preserve Calavera - Coastal North San Diego County | December 4, 2023 |
| 04 | Community Fire Safety Group | December 5, 2023 |
| 05 | Golden State Environmental Justice Alliance | December 8, 2023 |
| 06 | SAFER (Supporters Alliance for Environmental Responsibility) | December 11, 2023 |

The public review period of the DEIR was extended through December 29, 2023 at the discretion of the City. The original public review end date was set to be December 11, 2023.

Table 1. Comments Received on the DEIR

| Comment Letter | | |
|----------------|--|-------------------|
| Designation | Commenter | Date |
| 07 | Vector Control Program December 13, 2023 | |
| 8 | Vector Control Program December 15, 2023 | |
| 09 | OSO December 28, 2023 | |
| 010 | Wanis View Wildlife Preserve Volunteers | No Date Provided |
| 011 | Advocates for the Environment January 10, 2024 (lat | |
| 012 | Teamsters, Chauffeurs, Warehousemen and Helpers Local Union No. 542 January 16, 2024 (late le | |
| Individuals | | |
| l1 | Ronald Steffen | October 26, 2023 |
| 12 | Gene R. O'Neil Jr. | October 29, 2023 |
| 13 | Mikhael Madello | November 6, 2023 |
| 14 | Lauren Entler | November 7, 2023 |
| 15 | Josh Soto | November 7, 2023 |
| 16 | Joanne Pilgrim | November 8, 2023 |
| 17 | Gene and Carrie O'Neal | November 9, 2023 |
| 18 | Gene and Carrie O'Neal | November 15, 2023 |
| 19 | Nick Torelli | November 15, 2023 |
| 110 | Kimberly Johnson | November 17, 2023 |
| | Carol McConnell | November 20, 2023 |
| l12 | Rick Taylor | November 21, 2023 |
| l13 | GT Wharton | November 27, 2023 |
| 114 | Lyndsay Viripaeff | November 27, 2023 |
| | Daniel Mora | November 27, 2023 |
| I16 | Bryan Fisher | November 27, 2023 |
| | Kyle Branek | November 27, 2023 |
| 118 | Julia Dumbeck | November 27, 2023 |
| 119 | Bonnie May | November 27, 2023 |
| 120 | Tam Nguyen | November 27, 2023 |
| 121 | Darin Selnick | November 27, 2023 |
| 122 | Rick Taylor | November 28, 2023 |
| 123 | Janelle Molina | November 28, 2023 |
| 124 | Carol Broeland | December 2, 2023 |
| 125 | Carol Tripoli | December 2, 2023 |
| 126 | Stefanie Servin | December 2, 2023 |
| 127 | Kimberly Johnson | December 5, 2023 |
| 128 | Juan Canet | December 6, 2023 |
| 129 | George Marengo | December 6, 2023 |
| 130 | Joseph Jenkins | December 6, 2023 |
| l31 | Ana Maria | December 7, 2023 |
| 132 | Carol McConnell | December 7, 2023 |
| 133 | Eurydice K | December 8, 2023 |

Table 1. Comments Received on the DEIR

| Comment Letter Designation | Commenter | Date | |
|-------------------------------|--------------------------|-------------------------------|--|
| <u> </u> | Ciara Dominique | December 8, 2023 | |
| l35 | Keri Cleeremans | December 8, 2023 | |
| 136 | Jennifer Loofbourrow | December 8, 2023 | |
| 137 | Brittany Brogan | December 8, 2023 | |
| 138 | Patty Maddison | December 8, 2023 | |
| 139 | Matt Smith | December 9, 2023 | |
| 140 | Matt Krise | December 10, 2023 | |
| 141 | Natalia Douglas | December 11, 2023 | |
| 142 | Madison Williams | December 12, 2023 | |
| 143 | Patricia Borchmann | December 12, 2023 | |
| 144 | Marion Donahue | December 16, 2023 | |
| 145 | Karen Salado | December 18, 2023 | |
| 146 | Michael Kosec | December 25, 2023 | |
| 147 | Kathy Stark | December 27, 2023 | |
| 148 | Debby Herbert | December 27, 2023 | |
| 149 | Linda Middleton | December 27, 2023 | |
| 150 | Alan and Robin Waite | December 28, 2023 | |
| I51 | Jennifer Jacobs Schauble | December 28, 2023 | |
| 152 | Edwin Jenkins | December 28, 2023 | |
| 153 | Carol Broeland | December 28, 2023 | |
| 154 | Carol Broeland | December 29, 2023 | |
| 155 | Gretchen Gary | December 29, 2023 | |
| 156 | The Hansons and Peterson | December 29, 2023 | |
| 157 | Mikhael Madello | December 29, 2023 | |
| 158 | Dave Keck | December 29, 2023 | |
| 159 | Celerina Cornett | December 29, 2023 | |
| 160 | Don Mooney | December 29, 2023 | |
| 161 | Jimmy Knott | December 29, 2023 | |
| 162 | Dee Keck | December 29, 2023 | |
| 163 | Windy Bravo | No Date Provided | |
| 164 | Carol Stone | January 1, 2024 (late letter) | |

As shown in the table above, four letters were received after the DEIR comment period concluded. These late letters were received from the U.S. Fish and Wildlife Service (January 5, 2024); Advocates for the Environment (January 10, 2024); Teamsters, Chauffeurs, Warehousemen and Helpers Local Union No. 542 (January 16, 2024); and Carol Stone (January 1, 2024). These letters were received after the public review period and after the extension period that was granted upon the California Department of Fish and Wildlife's request.

In the interest of providing a good faith response and avoiding duplication, in some situations where multiple commenters have addressed the same issue, thematic responses have been prepared to address common themes raised by multiple commenters. These thematic responses are provided in Chapter 1 below and are referenced in

individual responses where the common theme is mentioned. The specific comment letters and responses to individual comments are presented in Chapter 2. The Thematic Responses are as follows:

- Thematic Response 1: Wildfire Evacuation Study
- Thematic Response 2: Traffic/Vehicle Miles Traveled
- Thematic Response 3: Future Tenant of the Project
- Thematic Response 4: San Luis Rey River Bike Path
- Thematic Response 5: Light Industrial Land Use Designation/Zoning
- Thematic Response 6: Truck Bay Reduction
- Thematic Response 7: CEQA Analysis Related to Socioeconomic Impacts
- Thematic Response 8: Multi-Building and Reduced Truck Bay Alternative

1 Thematic Responses

Thematic Response 1 - Wildfire Evacuation Study

This thematic response addresses comments received regarding CEQA's wildfire thresholds of significance related to evacuations in case of an emergency.

The Draft EIR analyzed the project and determined that it would have less than significant impacts with respect to the applicable wildfire related CEQA significance criteria. In response to public comments criticizing that analysis, a Wildfire Evacuation Study (WES) has been prepared as part of the Final EIR (Appendix N). The WES includes an evaluation of the project's consistency with relevant emergency evacuation plans and emergency response plans, similar to the Draft EIR, as well as documents evacuation times for the existing and post-project conditions. The WES also provides emergency preparedness information and resources derived from applicable emergency response plans and other best practice materials. While not required for purposes of making a significance determination under CEQA, in the event of an evacuation from the project site due to wildland fire or other potential hazards that could impact the project site, components of the WES can serve to support overall emergency preparedness and evacuation. The WES includes information addressing evacuation organization, planning and preparedness, evacuation routes, roadway capacities, contingencies, potential shelter-in-place locations, and other related issues.

As part of the WES, using a methodology recommended by experts in the field and input from OFD, evacuation times were modeled to evaluate potential project impacts to evacuation conditions without the project. The WES was prepared based on guidance and is consistent with the City of Oceanside (City) Emergency Operations Plan (City of Oceanside 2016) and the County of San Diego Operational Area (OA) Emergency Operations Plan (County OA EOP) including Annex Q: Evacuation (County of San Diego 2022). The methodology used in the WES was also discussed with and accepted by the City's Fire Department staff and Police Department staff. Nine scenarios were analyzed to estimate the time needed to evacuate the existing land uses surrounding the project site and project populations. Using conservative assumptions, these scenarios considered (1) existing land uses, (2) existing land uses with proposed project, (3) proposed project only, (4) existing land uses with cumulative conditions, (5) existing land uses with cumulative projects with the closure of Benet Road (7) existing land uses with cumulative projects and Project with the closure of Benet Road (8) existing land uses with cumulative projects with the closure of Foussat Road (9) existing land uses with cumulative project with the closure of Foussat Road.

Just as the Draft EIR disclosed, the WES analysis confirms, in the evacuation scenarios that demonstrate with project conditions and using the conservative assumptions outlined in the WES, evacuation times under varying conditions increase up to a maximum 10 minutes in a scenario where an evacuation would otherwise take a maximum of 59 minutes. Additionally, in the evacuation scenario where Benet Road is closed there is no increase for residential uses to the north and up to 4 minute increase for the municipal airport and Ocean Kamp (cumulative project). Further, in the scenarios where Fousset Road is closed there is no increase in evacuation time for existing or cumulative uses. OFD does not consider the modeled increase in evacuation time under any of the studied scenarios to be a significant impact under CEQA.

As stated in the WES, the Project would not substantially impair an adopted emergency evacuation plan or emergency response plan, and impacts would be less than significant without mitigation. Additionally, the Project

would not eliminate any existing evacuation routes. Further, the available roadway capacity is sufficient to safely accommodate the number of evacuating vehicles within the relevant areas with and without the Project development, and in an evacuation or emergency scenario, adequate emergency access would be maintained. Project impacts would be less than significant as evacuation times would be reasonable and in line with typical evacuation times and would allow for safe evacuations to be conducted under all evaluated scenarios. Considering these facts and others discussed herein, the record supports the Draft and Final EIR's conclusion that the Project would not expose people to a significant risk of loss or death involving wildland fires related to evacuation, would not interfere with evacuation response planning, and would not result in inadequate emergency access.

Thematic Response 2 - Traffic/Vehicle Miles Traveled

This thematic response addresses concerns several commenters raised regarding existing traffic, traffic as a result of the proposed project, and proposed mitigation to address traffic. This thematic response focuses on comments regarding the DEIR's transportation analysis by summarizing the technical analysis, explaining how and why potentially significant impacts would occur, and discussing the proposed mitigation. For additional detail about the analysis, the reader is directed to Section 4.14, Traffic and Circulation, of the DEIR and DEIR Appendices I and J.

Overview of the DEIR's Transportation Analysis

As part of the DEIR's environmental analysis, the project was evaluated with respect to all environmental checklist questions provided in Appendix G of the CEQA Guidelines for transportation. These checklist questions were used to determine the significance of the project's impacts. The Appendix G environmental checklist questions and the DEIR's findings of significance are provided below for transportation.

- A. Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?
 - **Less Than Significant.** The project would be developed in accordance with the City's General Plan Circulation Element, and all applicable regulations outlined in Section 4.14.2 within the DEIR. The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system.
- B. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?
 - Potentially Significant. CEQA Guidelines Section 15064.3 replaces LOS with VMT as the appropriate metric to be used in assessing a project's transportation related impacts. The significance determination for a VMT impact for an industrial project is based on an "Employee VMT" metric. According to the most recent SANDAG map (2016), the Employee VMT by Census Tract for the project location is 87.9% of the regional average, which exceeds the VMT threshold by 2.9%. However, the project would implement MMTRA-1, a Voluntary Employer Commute Program, which would result in a VMT reduction of 6.2%. With implementation of MM-TRA-1, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b).
- C. 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)?
 - Less Than Significant. The project does not propose adding any new geometric design features to the transportation system, such as sharp curves or dangerous intersections, that could result in the potential for substantially increased hazards. The project also would not substantially increase transportation hazards due to incompatible uses such as farm equipment. The project proposes industrial uses at a project site that has long been General Plan and zoning designated for employment uses and that, until relatively

recently, was used as an industrial operation. Additionally, final project plans would be subject to City review to ensure adequate access points and mobility consistent with City roadway regulations and standards. The project would not substantially increase hazards due to a geometric design feature or incompatible uses

D. Would the project result in inadequate emergency access?

Less Than Significant. The project would not conflict with regional or City emergency response plans, and the project site would have adequate emergency access. The plans for the project have been reviewed by the Oceanside Fire Department and other City staff for consistency with emergency response plans and applicable regulatory requirements. The proposed project would not result in inadequate emergency access.

Vehicle Miles Traveled Methodology

A vehicle miles traveled (VMT) assessment was conducted for the project. This assessment utilizes methodologies presented within the Governor's Office of Planning and Research (OPR) Technical Advisory (OPR 2020) developed to assist with implementation of Senate Bill (SB) 743, which resulted in a shift in the measure for determining transportation impacts from level of service (LOS) and vehicular delay to VMT. VMT analyses are required in all CEQA documents as of July 1, 2020, and performed in the City in accordance with the adopted City of Oceanside Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (Traffic Guidelines) (City of Oceanside 2020). In most cases, a project's effect on automobile delay will no longer constitute a significant environmental impact.² The justification for this paradigm shift is that when significant impacts are identified under LOS and delay-based analyses, the mitigation is often to provide road improvements, which increase roadway capacity. This inherently accommodates more vehicular traffic, resulting in additional greenhouse gas emissions. By contrast, under a VMT-based analysis, mitigation typically takes the form of strategies to reduce rather than accommodate traffic, thereby reducing vehicle emissions.

VMT is defined as the "amount and distance of automobile travel attributable to a project" per CEQA Guidelines Section 15064.3. VMT (and VMT per capita or VMT per employee) is a measure of the use and efficiency of the transportation network, as well as land uses, in a region. VMT is calculated based on individual vehicle trips generated and their associated trip lengths. VMT is estimated for a typical weekday for the purposes of measuring transportation impacts.

The Traffic Guidelines utilize the Institute of Transportation Engineers' San Diego Regional Guidelines (SANTEC/ITE 2019) to establish thresholds and a methodology for VMT analysis. A VMT analysis is not required under CEQA for projects consistent with the City's adopted General Plan and calculated to generate less than 1,000 average daily trips. As the project would generate more than 1,000 average daily trips, the City required preparation of the project-specific VMT analysis.

Pursuant to SB 743, OPR released the draft revised CEQA Guidelines in April 2018, recommending the use of VMT for analyzing transportation impacts. Additionally, OPR released Updates to Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018), to provide guidance on VMT analysis. In this Technical Advisory, OPR provides its recommendations to assist lead agencies in screening out projects from VMT analysis and selecting a significance threshold that may be appropriate for their jurisdictions. While OPR's Technical Advisory is not binding on public agencies, CEQA allows lead agencies to "consider thresholds of significance ...

SB 743 also amends congestion management law to allow cities and counties to opt out of LOS standards within certain infill areas (OPR 2020).

recommended by other public agencies, provided the decision to adopt those thresholds is supported by substantial evidence" (14 CCR 15064.7[c]).

Although VMT analyses are required in all CEQA documents as of July 1, 2020, for purposes of determining the significance of transportation impacts, the OPR Technical Advisory allows local agencies to retain their congestion-based LOS standards in General Plans and for project planning purposes. The project's DEIR relies on VMT as the basis for evaluating transportation impacts under CEQA, as detailed in Appendix J of the DEIR. As required by the Traffic Guidelines, the project's LOS effects have been documented in the Local Transportation Study prepared for the proposed project (included as Appendix I of the DEIR) and provided to the City. Again, LOS is not relevant to a CEQA analysis of the significance of transportation impacts.

VMT Mitigation

As shown in Table 2 of Appendix J to the DEIR, the significance thresholds for a transportation VMT impact for an industrial project is based on being 15% below the regional average using a metric of "Employee VMT." A project with an Employee VMT of at least 15% below the regional average (i.e., 85% of the regional average) is less than significant. The City's Traffic Guidelines require use of the most recent version of the San Diego Association of Governments (SANDAG) SB 743 Concept Map to determine the Employee VMT at the census tract level for projects under 2,400 average daily trips, which is the case for the proposed project. According to the most recent SANDAG map (see Figure 3 of Appendix J to the EIR), the Employee VMT by Census Tract for the project location is 87.9% of the regional average; therefore, the project exceeds the 85% significance threshold and is considered to have a potentially significant transportation impact related to VMT without mitigation. The project would exceed the VMT threshold by 2.9%. Please refer to Figure 3 of Appendix J to the EIR.

The SANDAG Mobility Management VMT Reduction Calculator Tool was utilized to quantify a VMT reduction for the project based on application of the following measure:

1. Voluntary Employer Commute Program. Employer offers a voluntary employer commute trip reduction program. The program may include a carpool or vanpool program, subsidized or discounted transit passes, bike amenities, commute trip reduction marketing, and preferential parking permit program.

The use of the term "Voluntary" in the title of the program can cause confusion. As a mitigation measure, implementation of the program is mandatory. The voluntary component refers to the choice employees have to participate in the different program elements such as carpooling, utilizing subsidized transit passes, or bicycle commuting. The SANDAG Mobility Management VMT Reduction Calculator Tool summary is shown in Table 3 of Appendix J to the EIR, with output included in Appendix D of Appendix J to the EIR. The VMT Reduction Calculator Tool evaluates the VMT impact of more than 20 mobility management strategies, recognizing and evaluating the voluntary nature of the employee's participation. The calculator is utilized to determine how a strategy, when implemented, can reduce a project's VMT.

As the DEIR demonstrates, implementation of Mitigation Measure (MM) TRA-1 (Voluntary Employer Commute Program) would result in a VMT reduction of 6.2%. Therefore, the transportation VMT impact would be mitigated to below a level of significance because the final VMT of 81.7% is less than the 85% threshold.

As a formally adopted mitigation measure, the Mitigation Monitoring and Reporting Program (MMRP) that CEQA requires a local agency to adopt, in conjunction with any project approval, creates a binding obligation on the project to comply with MM-TRA-1. The Conditions of Approval will similarly require future tenants to comply with the

measure. The City-approved MM-TRA-1 was developed based on the Traffic Guidelines. MM-TRA-1 imposes the Voluntary Employer Commute Program, which includes disseminating information about SANDAG's iCommute program, carpools, vanpools, subsidized or discounted transit passes, bike amenities, trip reduction marketing, and preferential parking permit programs to reduce project VMT. The SANDAG Voluntary Employer Commute Program, which is mandatory for the employers to offer but voluntary for the employees to participate in, was developed using the following sources:

- 1. California Air Pollution Control Officers Association. 2010. "Quantifying Greenhouse Gas Mitigation Measures." www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf.
- 2. Cambridge Systematics. 2009. "Moving Cooler: An Analysis of Transportation Strategies for Reducing Greenhouse Gas Emissions." Technical Appendices. Prepared for the Urban Land Institute. www.reconnectingamerica.org/assets/Uploads/2009movingcoolerexecsumandappend.pdf.
- 3. Boarnet, Marlon G., Hsin-Ping Hsu, and Susan Handy. 2014. "Impacts of Employer-Based Trip Reduction Programs and Vanpools on Passenger Vehicle Use and Greenhouse Gas Emissions: Policy Brief." www.arb.ca.gov/cc/sb375/policies/ebtr/ebtr_brief.pdf.

As the DEIR demonstrates, including the project specific VMT analysis (Appendix J), the SANDAG VMT Reduction Calculator Tool determined that applying MM-TRA-1 to the project would result in a VMT reduction of 6.2%. However, only a 3% VMT reduction is required to mitigate the project's potentially significant VMT impact to less than significant. Thus, the evidence demonstrates that the project would provide more mitigation than required to achieve a less than significant impact.

Thematic Response 3 - Future Tenant of the Project

This thematic response addresses comments asserting that the DEIR should have identified the future tenant of the project even though it would be speculative for the project to do so at this time.

The DEIR was prepared based off of project data including square footage, parking demand, and general use based on the types of users anticipated for the project. At this time, no specific tenants exist. The law recognizes that projects are often developed without any knowledge of the identity of the future tenant, and CEQA does not require that information for an EIR to be valid. Based on the project design, project location, the permitted land use, and the developer's experience in the market, the project will include a mix of a manufacturing use and long-term storage, consistent with the warehousing land use identified in the Institute of Transportation Engineers' Trip Generation Handbook, 11th Edition (ITE 2021a). The DEIR studied a mix of 30% manufacturing and 70% warehousing based on the specific elements of the project.

The project applicant has submitted a development application for construction and operation of a warehouse and distribution facility based on what is allowed under the land use and zoning and what the applicant understands about project operations (e.g., no cold storage). That information and the project materials submitted to the City as required for the discretionary permitting process must serve as the basis for the CEQA analysis. The City does not require, nor could it require, a development application to identify the name of a future user or the specific industry of that user when it is not known. Speculation about future users that might be different, whether ascribed to some out-of-context statement of the applicant or members of the public, is not a proper basis for the CEQA analysis. As required by CEQA, the DEIR analyzed and disclosed the potentially significant adverse environmental impacts of the project as proposed. In the speculative event that a future tenant proposes a change in use compared to what the

project approvals required, the City would review the proposed changes at that time to determine if subsequent approvals and/or CEQA review would be necessary under applicable law.

Comments offer unsupported opinions that the project should have been analyzed with different users. The commenters' speculations are not substantial evidence that the DEIR failed to comply with CEQA's mandate of providing a good faith effort at full disclosure of the project's potentially significant impacts. The DEIR's reasoned analysis of the project as proposed complies with CEQA.

Thematic Response 4 - San Luis Rey River Bike Path

This thematic response addresses comment asserting that the project would have health impacts on those using the San Luis Rey River Bike Path.

As outlined in Section 4.2, Air Quality, of the DEIR, after implementation of MM-AQ-1, construction and operation of the project would not result in emissions that exceed SDAPCD's emission thresholds for any criteria air pollutants. The SDAPCD thresholds are based on SDAB compliance with the NAAQS and CAAQS, which are protective of public health; therefore, no adverse effects to human health would result from the project.

The Air Quality and Greenhouse Gas Technical Report prepared for the project analyzed sensitive receptors near the project site. Sensitive receptors include residences, schools (grades kindergarten through 12), libraries, day care centers, nursing homes, retirement homes, health clinics, and hospitals within 2 kilometers of the facility (SDAPCD 2022). The closest sensitive receptors to the project site are single-family residences to the north of the site and north of the San Luis Rey River, approximately 0.15 miles from the project site. Although the San Luis Rey River Bike Path is located closer to the project site than these residents, the air quality analysis and the health risk assessment (HRA) evaluated exposure to these residents as if it would occur 24 hours a day, 7 days a week for a conservative analysis. The results of the construction HRA (see Section 4.2 of the DEIR and Appendix B to the DEIR) demonstrate that the TAC exposure from construction would result in a cancer risk of less than the 10 in 1 million threshold and a Chronic Hazard Index of less than the significance threshold of 1. Construction of the project would not expose sensitive receptors to substantial TAC emissions, and impacts were determined to be less than significant. As shown in Section 4.2, Table 4.2-12, of the DEIR, the diesel particular matter (DPM) emissions from operation of the project would result in a Residential Maximum Individual Cancer Risk of 1.33 in 1 million and a Residential Chronic Hazard Index of 0.0004. The results of the operational HRA demonstrate that the TAC exposure from project operation would be less than significant, as the project would result in a cancer risk of less than the applicable 10 in 1 million significance threshold and a Chronic Hazard Index of less than the significance threshold of 1. Therefore, operation of the project would also not expose sensitive receptors to substantial pollutant concentrations, and impacts were determined to be less than significant.

Air quality-related exposure at the residences due to emissions from the project would be substantially greater than those passing along the San Lius Rey River Bike Path for recreational purposes due to dramatically reduced exposure time of such a use; therefore, the EIR and technical reports analyzed impacts to nearby residents as a conservative approach to evaluating the issue raised in the comment. The DEIR analyzed DPM from construction and operation of the proposed project. There are no acute reference exposure level values established for DPM, and short-term exposure to DPM is not a recognized health risk concern. As discussed in the Supplemental Guidelines for Submission of Air Toxics "Hot Spots" Program Health Risk Assessments (HRAs) (SDAPCD 2022), for long-term receptors evaluating cancer and chronic risk, potential receptors should be places where people may spend the bulk of their time during the long-term exposure, such as the living areas at residential properties.

Therefore, the infrequent and short duration of time an individual will utilize the San Luis Rey River Bike Path does not constitute placement of sensitive receptors per SDAPCD guidance. Using the conservative assumptions of continual exposure to emissions at nearby homes, the relevant expert analysis shows that the project would not have significant DPM-related health effects.

People using the San Luis Rey River Bike Path would not constitute sensitive receptors per SDAPCD guidance, due to each individual using the path infrequently and for a short duration. Therefore, the project is not expected to result in exposures of concern for DPM related to the bike path. A similar determination applies to the skate park identified in some of the comments. That facility is located approximately 2,493 feet or 0.47 miles from the project site, which is over three times the distance of the single-family residences approximately 0.15 miles north of the project site. Like the San Luis Rey River Bike Path, any exposure of users of the skate park would be of a short-term nature. As such, impacts at the skate part would be less than significant and less than what would occur at the single-family residences approximately 0.15 miles north of the project site, where impacts at the closest residence (using the conservative continuous exposure assumption) would be less than significant.

Additionally, and as discussed in Section 4.2.3 of the DEIR, SDAPCD has established thresholds in Rule 20.2 requiring the preparation of air quality impact assessments for permitted stationary sources (SDAPCD 2016). SDAPCD sets forth quantitative emission thresholds below which a stationary source would not have a significant impact on ambient air quality. Although these trigger levels do not generally apply to mobile sources or general land development projects, for comparative purposes, these levels may be used to evaluate the increased emissions that would be discharged to the SDAB from proposed land development projects (County of San Diego 2007). Proposed-project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable significance thresholds presented in Table 4.2-4, SDAPCD Air Quality Significance Thresholds, of the DEIR were exceeded. As shown in Tables 4.2-6 through 4.2-8 of the DEIR, the development of the project would not exceed SDAPCD thresholds.

Lastly, the existing Oceanside Municipal Airport and other industrial uses at and immediately adjacent to the project site had been in operation prior to development of the bike path or the skate park.

Thematic Response 5 - Light Industrial Land Use Designation/Zoning

This thematic response addresses comments regarding the property's land use designations and public policy arguments related to the same that do not raise CEQA compliance issues.

Although the comments do not raise CEQA issues, this response is regarding the assertions about the land use designations that apply to the project site. The project does not propose a change in those land use designations. As stated within Chapter 3, Project Description, of the DEIR, the project site is zoned IL – Limited Industrial, corresponding with the General Plan designation of Light Industrial (LI). The property was previously occupied by an approximately 172,300-square-foot industrial manufacturing facility, which operated for decades before it was vacated in the summer of 2021 and demolished in 2022. The project site zoning and General Plan land use designation is discussed in detail within Section 4.10, Land Use, of the DEIR. That discussion includes the following description of the applicable land use designations:

The City's Zoning Ordinance designates the project site IL- Limited Industrial, corresponding with the General Plan designation of Light Industrial (LI). Article 13 of this Zoning Ordinance states that

the Limited Industrial District is intended to "provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses" (City of Oceanside 1992). Consistent with the zoning for the project site, the project proposes to develop a new 566,905 square-foot warehouse and distribution facility on the 31.79-acre project site.

The Zoning Ordinance allows wholesaling, distribution and storage facilities with trucking terminals in the IL zoning district subject to a Conditional Use Permit. Consistent with the Zoning Ordinance, the project requires that certain entitlements be submitted, reviewed, and approved by the City. The requested entitlements include a Development Plan, which presents specific lot configurations for the site and the plan for complete redevelopment of the project site. A Variance is also requested to allow small height increases for portions of the flood wall designed to surround the property. The project would be consistent with the City's Zoning Ordinance.

The proposed project, including the components of the project authorized by a Conditional Use Permit, have been analyzed in the DEIR and are consistent with the existing General Plan designation for the property, which is Light Industrial (LI), and the associated zoning category of IL – Limited Industrial. The allowed Floor Area Ratio (FAR) under the City's IL – Limited Industrial zone is 1.0 (maximum). The proposed FAR is 0.41 based on the project's 566,905 square feet of building area.

According to the City's General Plan Land Use Element (City of Oceanside 2002), the objective of Light Industrial is "to provide and protect industrial lands that can accommodate a wide range of moderate to low intensity industrial uses capable of bring located adjacent to residential areas with minimal buffering and attenuation measures." The CEQA land use significance thresholds require an evaluation of whether a project would 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. Substantial evidence supports the DEIR's analysis and conclusions that the project would have less than significant land use impacts as the project does not conflict with the applicable land use plans, policies, or regulations for the project site.

The City's General Plan also provides seven policies for the Light Industrial land use designation, which were not identified in Table 4.10-1 of the DEIR. Table 4.10-1 has been updated in the Final EIR to include the additional policies. The revised portion of Table 4.10-1 has been provided below, with the added text underlined. The additions to Table 4.10-1 merely substantiate the analysis and conclusions reached in the DEIR regarding the project's less than significant impacts and do not raise new or additional environmental issues concerning the adequacy of the DEIR.

Table 4.10-1. City of Oceanside General Plan Consistency Evaluation

| Policy Number | Policy Text | Consistency Analysis | Conformance/ Non-conformance | |
|---------------------------------------|--|--|--|--|
| City of Oceanside General Plan | | | | |
| Land Use Element | | | | |
| 2.12 Light Industrial Objective | To provide and protect industrial lands that can accommodate a wide range of | The project would be consistent with the existing City land use designations and zoning ordinance. | The project would be in conformance with this objective. | |

Table 4.10-1. City of Oceanside General Plan Consistency Evaluation

| | Sity of Occumsiac General | Train consistency Evaluation | |
|---------------|---|---|---|
| Policy Number | Policy Text | Consistency Analysis | Conformance/ Non-conformance |
| | moderate to low intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures. | The zoning ordinance designates the project site IL- Limited Industrial, corresponding with the General Plan designation of Light Industrial (LI). The project would require only temporary installation of fencing during construction to prevent inadvertent disturbance to areas outside the limits of grading to protect biological resources. | |
| Policy 2.12A | Areas designated Light Industrial shall generally contain a minimum of two hundred acres. Smaller sites may be considered when located adjacent to land uses of similar intensity. Light industrial areas shall have access to a secondary arterial or higher rated street either directly or through non- residential areas. | This policy is intended for sites seeking a General Plan Amendment to make the site's designation Light Industrial. The project site is located immediately adjacent to similar intensity uses such as the Oceanside Municipal Airport, and the site is proximate to SR-76 and the commercial and industrial uses to the south of the freeway. Further, the project does not request a change in the existing land use designation so this policy is not triggered. The proposed project would have access to secondary arterial or higher rated streets directly or by way of non-residential areas. | The project would be in conformance with this policy. |
| Policy 2.12B | Light Industrial uses shall be restricted to uses generally engaged in the manufacturing, assembly, packing, fabrication and processing of components into finished products rather than the conversion of raw materials. Industrial activity shall be conducted primarily within structures, and outside storage areas and assembly activities shall be limited. | Consistent with the land use designation for the project site, the project proposes to develop a new 566,905-square-foot warehouse and manufacturing facility on the 31.79-acre project site. The requested entitlements include a Site Development Plan, which presents the specific lot configurations for the site. The Development Plan application addresses the complete redevelopment of the project site analyzed in this DEIR. Operations would occur within proposed structures. | The project would be in conformance with this policy. |
| Policy 2.12C | Light Industrial areas shall be primarily developed as industrial parks and commerce centers providing both single-use and multitenant structures. | Development standards are provided within the City's Zoning Ordinance to achieve consistency with this policy. Consistent with the Zoning Ordinance, the project requires that certain entitlements be submitted, reviewed, | The project would be in conformance with this policy. |

Table 4.10-1. City of Oceanside General Plan Consistency Evaluation

| Policy Number | Policy Text | Consistency Analysis | Conformance/ Non-conformance |
|---------------|---|--|---|
| | Independent development standards shall be coordinated to provide for unified site design. | and approved by the City. The proposed project building would be designed for either single-use or multi-tenant and includes ancillary office space in addition to warehouse/manufacturing facilities to accommodate those uses. | |
| Policy 2.12D | Light Industrial developments shall place its emphasis on presenting an efficient, clean and visually appealing industrial environment. Architectural, landscape, signage, and development standards shall be coordinated to provide for unified site design. | As discussed in Section 4.1, Aesthetics, of the Draft EIR, the proposed architectural design, landscaping, and amenities are being reviewed by the City as part of the requested Development Plan approval. The proposed building is designed in a modern light-industrial style, incorporating concrete tilt-up panels with horizontal reveals, offset wall planes, and window elements and facade details that create visual interest on all four building elevations. Complementary materials, finishes, and colors would be coordinated across all building elevations. Landscaping on site is proposed to enhance open spaces and soften the overall site environment. Plant materials have been selected for their appropriateness to scale and suitability for use throughout the site. Tree and shrub plantings are designed to enhance key site and architectural elements and to screen the perimeter edges of the project area. Additional planting areas around the project site perimeter and throughout the onsite parking areas would be designed to complement project architecture while exceeding tree canopy and impervious surface area requirements for the site. | The project would be in conformance with this policy. |
| Policy 2.12E | Each industrial use shall provide attenuating structures, devices and procedures to insure that noise, vibration, glare, odors, heat and other | The project would be constructed in compliance with all local, state, and federal regulations. As outlined in Sections 4.1. 4.2, 4.8, and 4.11 of this EIR, implementation of the | The project would be in conformance with this policy. |

Table 4.10-1. City of Oceanside General Plan Consistency Evaluation

| Policy Number | Policy Text | Consistency Analysis | Conformance/ Non-conformance |
|---------------|--|--|---|
| | emissions are not perceptible outside its boundaries by the natural senses. | project would not subject people to objectionable noise, vibration, glare, odor, heat, or release of or exposure to hazardous materials. All outdoor lighting would meet Chapter 39 of the City Municipal Code (light pollution ordinance) and would be shielded appropriately. Additionally, the project would incorporate a landscape plan that exceeds the City's tree canopy requirements. | |
| Policy 2.12F | All storage, assembly and parking areas and equipment shall be completely screened from view. Mechanical equipment, vents, stacks, apparatus, antennae and other appurtenant items shall be incorporated into the total design of structures in a visually attractive manner or shall be entirely enclosed and screened from view. | As part of the project, landscaping and a perimeter wall would be incorporated around the boundary of the entire project site, thereby serving to screen any assembly, parking areas, and equipment from public view. The wall would be a solid decorative masonry block wall system that would complement the adjacent landscaping to serve as screening around the perimeter of the site. | The project would be in conformance with this policy. |
| Policy 2.12G | Deep, extensively landscaped areas shall be provided as a buffer where Light Industrial areas abut residentially designated areas. Whenever possible, unobnoxious uses or facilities such as parking, recreation and patio areas shall be located adjacent to the landscape buffer to further insulate the residential areas from the industrial activities. | As discussed in Section 4.1, Aesthetics, of the Draft EIR, the project site does not abut residential areas. Therefore, the project is consistent with this policy. However, the project would include landscaping along the perimeter of the project site. | The project would be in conformance with this policy. |

Thematic Response 6 - Truck Bay Reduction

This thematic response addresses concerns raised regarding the number of truck bays included in the project design, and associated truck traffic.

After preparation and release of the public review DEIR, in response to public feedback and ongoing communication between the City and applicant regarding community concerns about the number of truck bays proposed, the applicant submitted a modified project design that reduces the number of truck bays on site from 114 to 57. The

EIR continues to analyze the initial project proposal, which included the 114 truck bays. Thus, the EIR presents a more conservative analysis of the project's impacts.

The modified project design reduces the number of truck bays compared to the initial project design analyzed in the DEIR by half. The modified project plans with the reduced 57 truck bay count will be presented by City staff to the Planning Commission for consideration as the proposed project.

Additionally, as part of this modified project design, the Benet Road entry has also been redesigned to incorporate a dedicated right-turn lane into the project site to allow for queuing of truck traffic separate from the northbound travel lane of Benet Road. This is reflected in Chapter 3 of the Final EIR.

Thematic Response 7 - CEQA Analysis Related to Socioeconomic Impacts

This thematic response addresses comments that the DEIR did not address what the commenters consider to be impacts of the project on their property values.

Some commenters stated their opinion that implementation of the proposed project and other cumulative projects would result in socioeconomic impacts, including reduced home and property values in the area.

CEQA requires an analysis of physical impacts to the environment; it does not require analysis of social and economic impacts. CEQA's requirements are centered around assessing impacts on natural resources such as air quality, water resources, wildlife, and land use. Socioeconomic impacts, such as effects on local economies, employment, and housing affordability fall outside the legal scope of CEQA's mandate. Under CEQA, "an economic or social change by itself shall not be considered a significant effect on the environment" (14 CCR 15131 and 15382). Effects analyzed under CEQA must be related to a physical change to the environment (14 CCR 15358[b]). Allegations regarding perceived property value loss are not physical impacts relevant to a CEQA analysis.

Despite the limitations of CEQA in explicitly addressing socioeconomic impacts, CEQA's focus on public disclosure and participation provides opportunities for stakeholders to raise concerns about socioeconomic impacts during the environmental review process, even if they are not explicitly required to be evaluated under the law.

The project continues the historic land use of the project site and is consistent with the existing General Plan land use designation and zoning designation for the site. Furthermore, the project is proposed adjacent to or within close proximity to Oceanside Municipal Airport and other industrial and commercial uses that have operated in the area for decades.

Thematic Response 8 - Multi-Building and Reduced Truck Bay Alternative

This thematic response addresses comments that the DEIR should address additional project alternatives that could reduce project impacts.

As required by CEQA, the DEIR analyzed a reasonable range of project alternatives. However, while not required, the Final EIR responds to public comments received on the DEIR by including the Multi-Building and Truck Bay

Reduction Alternative. This additional alternative is a variation on the Multi-Building Alternative (evaluated under Section 8.4.2 of the DEIR).

Under the Multi-Building and Truck Bay Reduction Alternative, the same project site and similar development footprint would be developed with industrial warehouse and manufacturing uses similar to the proposed project and consistent with the General Plan land use and zoning designation for the site. Within a building footprint of 491,582 square feet (sf), the alternative's footprint would be sized between the project and the Multi-Building Alternative. This alternative would develop four 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. 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 Multi-Building and Truck Bay Reduction Alternative would include 56 dock-high doors (for semi-truck use), 45 grade-level doors (for smaller delivery truck use), and 593 parking stalls, which would include 22 ADA stalls and 90 EV stalls. This alternative design would place the truck bays on the east/west sides of the buildings as opposed to the north side with the project. This alternative would meet the project objectives.

Similar to the proposed project, access to the project site would be maintained and improved as necessary, with existing access points from Alex Road at the northeast corner and Benet Road at the southwest corner. Like the project, 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 project site to allow for queuing of truck traffic separate from the north-bound travel lane of Benet Road.

This alternative would similarly maintain a 100-foot buffer from the edge of the San Luis Rey River riparian habitat along the project boundary's northern edge, as designated in the City of Oceanside Draft Subarea Plan. Additionally, this alternative would incorporate required building setbacks and airspace height limits established by the Oceanside Municipal Airport Land Use Compatibility Plan. As shown in Figure 8-3 in the Final EIR, the southernmost portions of each of the four proposed buildings under this alternative would have reduced clearance heights to conform to the Airport Land Use Compatibility Plan. Similar to the proposed project, this alternative would require approval of a Conditional Use Permit to be established in the IL – Limited Industrial zone, as it exceeds 50,000 square feet in floor area with more than six heavy trucks on the premises at one time.

This additional alternative is analyzed in Chapter 8, Section 8.4.4, of the Final EIR, and can be seen in Figure 8-3 of the Final EIR. This project alternative would address community concerns of the singular building mass on site and would reduce the number of truck bays to 56 compared to the initial project. This design places the truck bays on the east/west sides of the buildings and greatly reduces the number of bays potentially visible from the existing homes to the north. Compared to the project and the DEIR's Multi-Building Alternative, this alternative would further reduce potentially significant impacts related to air quality and transportation/traffic. Mitigation proposed for the project would still be required under this Multi-Building and Truck Bay Reduction Alternative. In addition, this alternative responds to other types of concerns expressed by the public about the project's single building mass, the number of truck bays, truck bays facing the north, and truck traffic.

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2 Specific Responses

Comment Letter A1

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road

GAVIN NEWSOM, Governor CHARLTON H. BONHAM, Director

3883 Ruffin Road San Diego, CA 92123 (858) 467-4201 www.wildlife.ca.gov

December 8, 2023

Robert Dmohowski
Principal Planner
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
Rdmohowski@oceansideca.org

SUBJECT: EDDIE JONES WAREHOUSE MANUFACTURING AND DISTRIBUTION FACILITY PROJECT, DRAFT ENVIROMENTAL IMPACT REPORT (DIER) SCH# 2022070365

Dear Robert Dmohowski:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Oceanside (City) for the Eddie Jones Warehouse Manufacturing and Distribution Facility Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW Role

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

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

Conserving California's Wildlife Since 1870

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projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" (see Fish & G. Code, § 2050) of any species protected under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City of Oceanside has participated in the NCCP program by preparing a draft Subarea Plan (SAP) under the North County Subregional Multiple Habitat Conservation Program (MHCP). The MHCP was a comprehensive planning document prepared by the San Diego Association of Governments (SANDAG) addressing the cities in north San Diego County, specifically the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, Vista, San Marcos, and Escondido (SANDAG 2003), The MHCP identified critical areas for the conservation of important sensitive species populations to ensure their persistence, core blocks of habitat large enough to support viable populations of diverse sensitive species, and essential areas for connecting between core blocks of habitat. In effect, the MHCP identified critically important biological resources, which if lost to development, would arguably result in significant specific or cumulative impacts within a given jurisdiction and perhaps across the MHCP subregion. Critical areas for conservation in each of the seven jurisdictions were identified as Focused Planning Areas (FPAs). Unfortunately, the Oceanside SAP has not been finalized and has not been adopted by the City or received permits from the Wildlife Agencies (jointly, CDFW and the U.S. Fish and Wildlife Service (USFWS)). The FPAs nonetheless are considered highly relevant when evaluating the significance of biological resources on a given property within the cities comprising the MHCP planning effort.

A1-2 Cont.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Oceanside

Objective: The Project site is 31.2 acres and involves development of a new 566,905 square foot warehouse and distribution facility. The proposed area warehouse would consist of 369,415 square feet of warehouse area, 158,320 square feet of manufacturing space, and 39,170 square feet of office area designated as a single building that would support multi-tenant occupancies. Development would also include

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associated landscaping features, stormwater features, 590 parking spaces, 60 truck-trailer parking stalls, and vehicle circulation area. The project site is zoned IL- Limited Industrial. The 31.2-acre Project site was previously graded and already has a 172,000 square foot industrial manufacturing facility, paved roads, picnic tables, a basketball and tennis court, and associated infrastructure and landscaping.

Direct impacts from the development of the project total 30.33 acres. The vegetation communities that would be impacted consist of 15.43 acres of disturbed habitat and 14.9 acres of developed land. There is no mitigation proposed for the impacts to these habitat types. Per the Biological Technical Report (Dudek 2022; BTR) the proposed Project would also include a 100-foot biological buffer from the outer edge of the San Luis Rey River. Approximately 0.85 acre of the 100-foot buffer area is located within the project boundary and the remaining 3.51 acres of the buffer are located outside of the Project boundary.

Location: The Project site is located directly north of State Route 76 in Oceanside, California. The site is bounded by the San Luis Rey River Trail and the San Luis Rey River to the north, a vacant undeveloped parcel to the east, Benet Road and vacant land to the west, and the Bob Maxwell Memorial Field Oceanside Municipal Airport to the south. Although the Project site is not within the FPA, it directly abuts FPA hardline Preserve which is the San Luis Rey River.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in identifying and/or mitigating Project impacts on biological resources and to ensure regional conservation objectives in the MHCP and draft Oceanside SAP would not be eliminated by implementation of the Project. We understand the City Council has voted not to adopt the SAP and that they are working on their General Plan Update, which will include provisions from the SAP; however, that plan is still in the works, so we recommend following the guidelines set forth in the SAP until the General Plan is approved by the Wildlife Agencies and finalized.

Specific Comments

 Impacts within the Biological Buffer: The San Luis Rey River and the areas surrounding the river are part of an essential wildlife corridor and open space that supports the biological diversity in the area. Any impacts to this watershed, which included the riparian habitat, could affect this major corridor within the City of Oceanside.

Per the BTR, the Project proposes permanent impacts to 0.85 acre of disturbed habitat within the 100-foot biological buffer. CDFW recommends remaining consistent with the tenets of the SAP to avoid potentially significant impacts to

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biological resources. Section 5-15 (Conservation and Buffer Requirements along the San Luis Rey River) in the draft SAP states:

"Wherever development or other discretionary actions are proposed in or adjacent to riparian habitats along the main stem San Luis Rey River, the riparian area and other wetlands or associated natural habitats shall be designated as biological open space and incorporated into the preserve. In addition, a minimum 100-foot biological buffer shall be established for upland habitats, beginning at the outer edge of riparian vegetation. Within the 100-foot biological buffer, no new development shall be allowed, and the area shall be managed for natural biological values as part of the preserve system. In the event that natural habitats do not currently (at the time of proposed action) cover the 100-foot buffer area, habitats appropriate to the location and soils shall be restored as a condition for the proposed action. In most cases, coastal sage scrub vegetation shall be the preferred habitat to restore within the biological buffer".

This 100-foot buffer is also important to protect the Federally and State Listed least Bell's vireo (*Vireo bellii pusillus*; vireo) and the Federally and State Listed light-footed Ridgway's rail (*Rallus obsoletus levipes*). According to the California Natural Diversity Database (CNDDB, 2023) there are least Bell's vireo and Ridgway's rail present in the San Luis Rey riparian area directly north of the Project boundary. These two species are highly sensitive to disturbance associated with increased human activity which makes the 100-foot biological buffer even more Important. No USFWS protocol level surveys for least Bell's vireo or Ridgway's rail were conducted; rather a general biological reconnaissance survey was conducted in 2022. As a result, CDFW concludes a 100-foot riparian buffer is biologically appropriate and should be maintained to prevent potential adverse impacts to vireo and Ridgway's rail.

2. Impacts to Sensitive Habitat from Artificial Light. The existing structure that is on the site is a 172,000 square foot industrial manufacturing facility. The proposed Project includes a new 369,415 square foot warehouse and the site will also function as a distribution facility that will include 60 truck-trailer parking stalls, and vehicle circulation area. Due to the change of use and the increase in the overall size of the infrastructure that is being proposed, there will be an increase in disturbance. Per the BTR there are no mitigation measures to address impacts from artificial light during the construction phase or from permanent lighting that is to be installed. As stated above, the Project shares its northern border with the San Luis Rey River which supports sensitive species that utilize the San Luis Rey and its associated habitats. Artificial light at night (ALAN) has been shown to interfere with animal sensory systems, orientation, and distribution, with the

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potential to cause significant ecological impacts (Barrientos et. al 2023). ALAN also causes changes in reproductive timing or success of birds in response to light leading to phenological mismatches and lower fitness (Barrientos et. al 2023). Because of the possibility that least Bell's vireo and Ridgway's rails are present near the Project site, CDFW recommends that any development or activities, including lighting, be fully outside the 100-foot biological buffer and riparian area, and that lighting be oriented downward and away from the riverine and buffer habitat to avoid illumination on sensitive habitat. CDFW recommends adding a Mitigation Measure that addresses impacts from lighting that will be used during the construction phase of the Project and any permanent lighting that will be installed.

A1-8 Cont.

General Comments

 Lake and Streambed: The Project site directly abuts the San Luis Rey River and there is the potential for impacts to occur to riparian vegetation. CDFW has regulatory authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of any river, stream, or lake or use material from a river, stream, or lake. For any such activities, the Project applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 et seq. of the Fish and Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSAA) with the applicant is required prior to conducting the proposed activities. CDFW's issuance of a LSAA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the DEIR should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSAA. CDFW recommends the Applicant submit a Lake and Streambed Alteration Notification to CDFW. Notifications can be submitted through CDFW's Environmental Permit Information Management System (EPIMS), which can be found at Environmental Permit Information Management System (ca.gov).

A1-9

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural

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communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data

The completed form can be mailed electronically to CNDDB at the following email address: <a href="mailed-electronically-cond-e

http://www.dfg.ca.gov/biogeodata/cnddb/plants and animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating significant Project-specific and cumulative impacts on biological resources by following the key tenets of the draft Oceanside SAP under the overarching Subregional Northwestern San Diego County MHCP.

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

Sincerely,

David Mayer

David Mayer Environmental Program Manager South Coast Region A1-10 Cont.

A1-11

A1-12

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ec: California Department of Fish and Wildlife

Jennifer Turner, CDFW - Jennifer.turner@wildlife.ca.gov

U.S. Fish and Wildlife Service

Taylor Curtis, U.S. Fish and Wildlife Service, <u>Taylor Curtis@fws.gov</u> Jonathan Snyder, U.S. Fish and Wildlife Service, <u>Jonathan Snyder@fws.gov</u>

Office of Planning and Research

State Clearinghouse, Sacramento, state.clearinghouse@opr.ca.gov

References

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Response to Comment Letter A1

California Department of Fish and Wildlife David Mayer December 8, 2023

- A1-1 This is an introductory comment, explaining that the California Department of Fish and Wildlife (CDFW) received the Notice of Availability of the DEIR. The comment expresses gratitude for the opportunity to provide comments and recommendations concerning the project's potential impacts. Please see responses to comments that follow.
- A1-2 This comment outlines CDFW's role as California's Trustee Agency for fish and wildlife resources under CEQA and other laws. In response, the comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A1-3 The comment paraphrases the project description and project location based on the DEIR. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A1-4 This is an introductory comment to comments that follow related to the Multiple Habitat Conservation Program (MHCP) and draft Oceanside Subarea Plan (SAP). No further response is required to the general statements, but please see Responses to Comments A1-5 through A1-8.
- A1-5 The comment references the impacts to 0.85 acres of disturbed habitat within the project boundary and the biological buffer, per the BTR. The comment further references the ecological role of the San Luis Rey watershed and recommends following habitat conservation and buffer guidelines outlined in the Oceanside SAP. As stated in the DEIR (Section 4.3, Biological Resources, p. 4.3-17), approximately 0.85 acres of the 100-foot buffer area are located within the project boundary. This area is currently mapped as disturbed habitat. Consistent with the City's SAP, the project will restore that 0.85-acre currently disturbed portion of the property located within the buffer with coastal sage scrub. Thus, the project would maintain (and actually improve the biological quality of) the 100-foot buffer area.
- A1-6 The comment provides a quote from Section 5-15 of the draft SAP related to 100-foot buffers along the main stem of the San Luis Rey River. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A1-7 The comment offers CDFW's opinion regarding the importance of the draft SAP's 100-foot biological buffer, specifically to federally and state listed species and recommends the 100-foot buffer be maintained. The BTR and DEIR acknowledge the requirements in Section 5.2.4 of the SAP, and the project will maintain (and actually improve) the biological quality of the small portion of the project site within the 100-foot biological buffer from the edge of the San Luis Rey riparian vegetation to ensure the project does not result in undesirable edge effects. The only portion of the project site within the 100-foot buffer is a 0.85-acre piece of disturbed habitat that the project will restore to coastal sage scrub (DEIR Section 4.3, p. 4.3-17).
- A1-8 This comment states that there will be an increase in disturbance to sensitive habitat resulting from the development of the project as the project proposes a larger building than historically existed on the

site. The comment also states that the BTR contains no mitigation measures to address impacts due to artificial light used during the construction phase or from permanent lighting that will be installed. The DEIR and BTR acknowledge the potential impact of increased human activity and lighting (Impact BIO-10) on off-site sensitive habitat. Contrary to the assertion in the letter, the DEIR concludes that potential impacts will be reduced to less than significant through implementation of mitigation measures (MM-BIO-1 through MM-BIO-4) and project design features and compliance with applicable law. Implementation of MM-BIO-1, MM-BIO-2, and MM-BIO-3, provided in Section 4.3.5 of the DEIR, would ensure that all impacts associated with the project stay within the designated development footprint. Section 4.3 of the Final EIR has been edited to specifically discuss applicable lighting requirements. These changes do not change the conclusions of the EIR analysis. Construction will occur during daytime hours; any nighttime lighting will be limited to the duration needed if construction were to occur in the evening. As a matter of law, all lighting must comply with Chapter 39 of the City Municipal Code (light pollution ordinance) and will be fully shielded to prevent trespass into adjacent areas, directed downward and away of the San Luis Rey River, and designed to minimize light pollution to the surrounding open space and preserve dark skies. Additionally, a solid perimeter wall and landscape buffer proposed by the project would also limit the potential for any operational light intrusion into the San Luis Rey River. Thus, substantial evidence supports the EIR's conclusion that the project would have less than significant impacts related to artificial lighting associated with the proposed project.

- A1-9 The comment offers CDFW's summary of its regulatory authority related to Lake and Streambed Authorization Agreements (LSAAs). The comment further states that the DEIR should identify all potential impacts to the stream or riparian resources and recommends a Lake and Streambed Alteration Notification be submitted. An objective of the proposed project is to ensure the siting and design of does not encroach upon the natural river habitat and considers floodplain management. The DEIR explained that professional biologists surveyed the project site and documented in the BTR and the DEIR that the project would not have an adverse environmental impact on state or federally protected wetlands, riparian habitat, or other resources that might trigger the need for a LSAA. Per the project design (DEIR Section 3.2, Project Overview and Major Components), the project site would be separated from the San Luis Rey River by a 100-foot biological buffer. Although the off-site San Luis Rey River Trail and embankment run through the buffer area forming a hard boundary between the project site and the river habitat areas, the proposed project structures and parking/circulation areas have been designed and located to specifically avoid any encroachment into the 100-foot buffer. Therefore, actions of the proposed project would not result in alterations or encroachment of the San Luis Rey River or riparian vegetation of the river corridor, and an LSAA is not required.
- A1-10 The comment provides a summary of CEQA and the California Natural Diversity Database. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A1-11 The comment provides a summary of CDFW filing fees payable upon filing of the Notice of Determination. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A1-12 The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the DEIR, and no further response is required.

Comment Letter A2



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Secretary for

Environmental Protection

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Department of Toxic Substances Control



Meredith Williams, Ph.D., Director 8800 Cal Center Drive Sacramento, California 95826-3200

SENT VIA ELECTRONIC MAIL

December 11, 2023

Robert Dmohowski
Principal Planner, City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
rdmohowski@oceansideca.org

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE EDDIE JONES WAREHOUSE MANUFACTURING AND DISTRIBUTION FACILITY PROJECT, DATED OCTOBER 26, 2023 STATE CLEARINGHOUSE # 2022070365

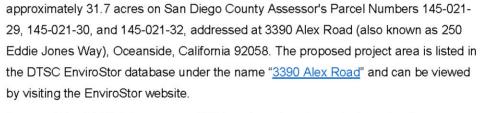
Dear Robert Dmohowski,

The Department of Toxic Substances Control (DTSC) received a DEIR for the Eddie Jones Warehouse, Manufacturing, and Distribution Facility Project. The DEIR evaluates the proposed development of an approximately 566,905 square-foot warehouse, manufacturing, and distribution facility at the project area which is currently vacant and was previously developed with a 172,300 square-foot industrial manufacturing facility.

DTSC is responsible for overseeing the evaluation and cleanup of contaminated properties throughout the state of California. DTSC and the Proponent, RPG Oceanside Eddy Jones Way Owner, LLC, entered into a California Land Reuse and Revitalization Act (CLRRA) Agreement on December 6, 2021, to oversee the investigation and cleanup of the project area. The project area encompasses

A2-1

A2-2



As part of the CLRRA Agreement, DTSC reviewed previous site investigation reports and DTSC determined a supplemental site investigation (SSI) was necessary. While review of the SSI Report is still in progress, DTSC has concluded the findings of the SSI warrant a remedial response. A Response Plan is being prepared by the Proponent for the project area for DTSC review and approval. A Response Plan is a type of cleanup selection document intended to address contamination at levels that pose a health risk to existing and/or future property users or that may be an ongoing source of contamination to the environment. The Response Plan includes remediation activities which would be completed as part of the development and operation of the proposed warehouse project.

Per DTSC discussions with SCS Engineers (the Proponent's consultant), the anticipated remediation activities will include excavation and offsite disposal of soil impacted by contaminants of concern ("COC") and of other soil near COC-impacted groundwater and soil vapor on the project area. Additional activities include groundwater monitoring and adoption of a Land Use Covenant (LUC) restricting site use and limiting project area activities. The LUC is being drafted and will be implemented upon completion. The total amount of soil to be excavated and disposed of offsite is estimated to be approximately 3,900 cubic yards (6,240 tons). The maximum depth of excavation at the proposed project area for the remediation activities is currently estimated to be 12 feet below existing grade.

The Response Plan is subject to review and approval by DTSC, and it is considered a decision document that must comply with CEQA. As a Responsible Agency, DTSC anticipates utilizing the subject EIR to comply with CEQA since the remediation activities presented in the Response Plan would be incorporated as part of the



Page 2 of 6 in Comment Letter A2

construction phase of the proposed warehouse project. Cont. DTSC provides the following comments on the DEIR: 1) DTSC requests that the Project Description (Section 3 of DEIR) be updated to include the project's remediation activities set forth in the Response Plan alongside other project-related activities. The DEIR's Project Description currently includes relatively detailed information about other project-related components (e.g., architectural design, landscaping, circulation, way-finding A2-8 signage, and public utilities), construction phasing, and discretionary actions and other approvals. The project's remediation activities presented in the Response Plan are linked to the proposed warehouse project and would occur during the construction phases of the project, so it is appropriate for the activities to be included as part of the Project Description. 2) DTSC requests revisions to the content in Section 4.8 in order to clarify DTSC's oversight role for this project and to better distinguish between investigation activities that have already been completed (i.e., those A2-9 associated with the Preliminary Endangerment Assessment and SSI Report). and remediation activities set forth in the Response Plan which need to be completed. Section 4.8 of the DEIR includes discussion related to the remediation process and DTSC's involvement as follows (see pages 4.8-1, 4.8-2, and 4.8-15): Demolition of the previous building in 2022 occurred in accordance with the Department of Toxic Substances Control (DTSC), California Land Reuse and A2-10 Revitalization Act (CLRRA), and County requirements. Soil remediation has been conducted for the site per the supplemental site investigation workplan, demolition soil monitoring plan, and site-specific health and safety plan prepared for the site. All site remediation would be completed prior to the start of project construction. For clarification, the activities mentioned in the DEIR which have been conducted at the **▼** A2-11

Page 3 of 6 in Comment Letter A2

site thus far are considered investigative activities rather than remedial activities. The plans referenced in Section 4.8 describe the proposed investigation and sampling procedures for the SSI; provide the methodology for the observation, monitoring, sampling, and proper management of potentially impacted soil that may be encountered during demolition of the project's surface and subsurface improvements. Additionally, the activities outline the procedures being followed during demolition of the site improvements to ensure the health and safety of workers and the public. Please also note that demolition of surface and subsurface improvements is not a remedial action. In this instance, since the project has known environmental impacts and demolition was likely to encounter or expose impacted soil, DTSC reviewed and approved of the Demolition Soil Monitoring Plan and Site-Specific Health and Safety Plan.

Soil remediation activities under DTSC oversight have yet to occur at the site. The proposed remedial actions will be described in a Response Plan to be prepared by the Proponent and submitted to DTSC for review and approval. Therefore, the EIR content referencing site remediation activities should be revised to reference the Response Plan.

- 3) Since remediation activities presented in the Response Plan would be incorporated as part of the construction of the proposed warehouse project, these activities should be considered as part of this EIR's analysis. From review of the DEIR, it is unclear to what extent the Response Plan's proposed site remediation activities have been accounted for as part of the analysis of environmental impacts. For instance, Section 3.2.6 mentions 60,000 cubic yards of raw cut and 40,000 cubic yards of raw fill will be required for the proposed project area, but it is unclear whether these numbers account for the soils requiring excavation and offsite disposal.
- 4) It is unclear whether the vehicle trips and equipment usage associated with remediation activities were included as part of the Construction Scenario Assumptions that were utilized in evaluating effects involving air quality,

A2-11 Cont.

A2-12

A2-13

A2-14

A2-15

Page 4 of 6 in Comment Letter A2

energy, and GHG emissions.

If the Response Plan activities have been considered as part of the analysis, DTSC requests adding language where appropriate in the EIR to help clarify that these activities have been analyzed. If the Response Plan activities were not considered as part of the analysis, the EIR content should be revisited, and the potential effects associated with these activities (including any new effects or contributions to previously identified environmental effects) should be addressed.

DTSC believes the City of Oceanside must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA.

DTSC appreciates the opportunity to comment on the Eddie Jones Warehouse Manufacturing and Distribution Facility Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via <a href="mailto:ema

Sincerely,

Dave Kereazis

Associate Environmental Planner

Dave Kereazis

HWMP - Permitting Division - CEQA Unit

Department of Toxic Substances Control

Dave.Kereazis@dtsc.ca.gov

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↑ A2-15

Cont.

A2-16

A2-17

A2-18

cc: (via email)

Governor's Office of Planning and Research State Clearinghouse State.Clearinghouse@opr.ca.gov

Ms. Tamara Purvis

Associate Environmental Planner

HWMP - Permitting Division - CEQA Unit

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Senior Hazardous Substances Engineer Site Mitigation and Restoration Program Department of Toxic Substances Control

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Page 6 of 6 in Comment Letter A2

Response to Comment Letter A2

Department of Toxic Substances Control Dave Kereazis December 11, 2023

- A2-1 The comment provides a summary of the project description and explains the roles and responsibilities of the Department of Toxic Substances Control (DTSC) as they relate to the cleanup of the site. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A2-2 The comment provides a summary of the project location. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A2-3 The comment provides background information regarding the California Land Reuse and Revitalization Act (CLRRA) Agreement. The comment confirms a Response Plan is being prepared for the project site by the applicant team for DTSC review and approval. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A2-4 The comment provides background information regarding response plans, including the information contained within these plans and the purpose of these plans. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A2-5 The comment describes the anticipated remedial activities that would be part of the project, including, but not limited to, excavation and off-site disposal of contaminated soils, groundwater monitoring, and the adoption of a land use covenant. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required. Please see Responses to Comments A2-7 through A2-13.
- A2-6 The comment provides the estimated amount of soil to be excavated and disposed of off site, as well as the maximum depth of excavation for the remediation activities. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A2-7 The comment states that the Response Plan must comply with CEQA, and DTSC anticipates using the EIR to comply with CEQA because the remediation activities would occur during the construction phase of the project. In response, demolition of the previous building in 2022 was conducted in accordance with the DTSC, CLRRA, and County requirements. Soil remediation efforts were initiated at the site per the supplemental site investigation workplan, demolition soil monitoring plan, and site-specific health and safety plan prepared for the site. All site remediation would be completed prior to the start of project construction. Remediation of the project site prior to construction of the project would improve the site from existing conditions. Separate from the CEQA process, a Response Plan, as required by DTSC, will be completed for the site, will be available for public review and comment, and will include one community meeting. The Final Response Plan is expected to be available by fall 2024. The final Response Plan would be reviewed and approved by DTSC prior to project construction. DTSC is considered a responsible agency under CEQA. With implementation of site remediation in accordance with the Response Plan and regulatory agency–approved plans, as well as compliance with applicable local, state, and federal regulations, it has been determined that the project would not create a

significant hazard to the public or the environment. Section 4.8, Hazards and Hazardous Materials, of the Final EIR has been amended to reflect additional information associated with the Response Plan and site remediation efforts.

- A2-8 The comment requests that the project description of the DEIR be updated to include the remediation activities set forth in the Response Plan. At the time of the Notice of Preparation for the project EIR, demolition of the previous building on site was already underway and was being conducted through City, County, DTSC, and CLRRA requirements, separate and distinct from the proposed project and CEQA processes. The absence of that building was described in the project description and the DTSC process is described in DEIR Section 4.8. As stated in Response to Comment A2-7, all site remediation would be completed prior to the start of project construction. Remediation of the project site prior to construction of the project would improve the site from existing conditions. A Response Plan, as required by DTSC, will be completed for the site, will be available for public review and comment, and will include one community meeting. The draft Response Plan prepared by SCS Engineers was provided to DTSC in July 2024 and has been referenced in the analysis of the errata Final EIR, Section 4.8. As requested in comment A2-9, expected remediation activities to be included in the final Response Plan have been described in the revised hazards and hazardous materials section of the Final EIR, Section 4.8, rather than the project description.
- A2-9 The comment requests that Section 4.8 of the DEIR be revised to clarify DTSC's oversight role in the proposed project and distinguish which investigation activities are completed versus what needs to be completed, such as the Response Plan's remediation activities. In response, revisions have been made within Section 4.8 of the Final EIR to clarify this information. These minor revisions would not change any impact determinations of the DEIR.
- A2-10 The comment provides an excerpt from Section 4.8 of the DEIR related to DTSC's involvement and the remediation process. No response is required.
- A2-11 The comment states that the activities mentioned in the DEIR have already been conducted at the site and are considered investigative activities. Please see Response to Comment A2-9. Revisions have been made within Section 4.8 of the Final EIR to clarify which activities are investigative and which activities are remedial. This minor revision would not change any impact determinations of the DEIR.
- A2-12 The comment states that demolition of surface and subsurface improvements is not a remedial action. The comment also states that DTSC reviewed and approved the Demolition Soil Monitoring Plan and Site-Specific Health and Safety Plan. In response, revisions have been made within Section 4.8 of the Final EIR to clarify this information. These minor revisions would not change any impact determinations of the DEIR.
- A2-13 The comment states that remediation activities under DTSC oversight have not occurred yet at the site, and that the EIR should be revised to include mention of the Response Plan when referencing site remediation activities. Please see Response to Comment A2-9. Revisions have been made within Section 4.8 of the Final EIR to clarify this information. These minor revisions would not change any impact determinations of the DEIR.
- A2-14 The comment states that since remediation activities would occur during the construction phase of the project, these activities should be included in the project's EIR analysis. The comment also states that

it is currently unclear whether or not these activities have been included in the EIR's analysis and provides an example. In response, please see Response to Comment A2-8. As outlined in Response to Comment A2-8, revisions have been made within Section 4.8 of the Final EIR to clarify the remediation activities that are to occur prior to/during the construction phase of the project. These minor revisions would not change any impact determinations of the DEIR. Furthermore, please see Response to Comment A2-15.

- A2-15 The comment states it is unclear whether the remediation activities were included in the vehicle trips and equipment assumptions within the construction scenario assumptions within the air quality and greenhouse gas analysis. In response, the EIR analysis includes an estimated cut quantity of 60,000 cubic yards with a fill requirement of 40,000 cubic yards and an export of 20,000 cubic yards of soil. The total amount of soil to be excavated and disposed of off site for remediation activities is estimated to be approximately 3,900 cubic yards and is included in the EIR's estimated 20,000 cubic yards of soil export.
- A2-16 The comment requests that, if the Response Plan activities were considered as part of the analysis within the DEIR, the DEIR include additional language to help clarify these activities. The comment also states that if these activities were not considered as part of the analysis, then the EIR should be revised to assess the potential impacts of the Response Plan activities. In response, the EIR did not include demolition activities as part of the proposed project or project description, as demolition of the previous building was already underway prior to release of the Notice of Preparation for the EIR. The EIR analyzes impacts associated with construction and operation of the proposed building. However, clarification has been added to Section 4.8 of the Final EIR to provide more context about the draft Response Plan and DTSC's role in site cleanup.
- A2-17 The comment states that the City must address comments A2-8 through A2-16. This comment is a concluding statement to the comments above. Refer to Responses to Comments A2-8 through A2-16.
- A2-18 The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the DEIR, and no further response is required.

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Comment Letter A3

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11 4050 TAYLOR STREET, MS-240 SAN DIEGO, CA 92110 (619) 985-1587 | FAX (619) 688-4299 TTY 711 www.dol.ca.gov





December 28, 2023

11-SD-5, 76 PM VAR Eddie Jones Warehouse, Manufacturing & Distribution Facility DEIR/SCH#2022070365

Mr. Rob Dmohowski Principal Planner City of Oceanside 300 N. Coast Highway Oceanside, CA 92057

Dear Mr. Dmohowski:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report (DEIR) for the Eddie (Eddy) Jones Warehouse, Manufacturing & Distribution Facility project located near Interstate 5 (I-5) and State Route 76 (SR-76). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of Oceanside in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections

"Provide a safe and reliable transportation network that serves all people and respects the environment"

A3-1

between various modes of travel, with the goal of improving the experience of those who use the transportation system. Cont. Caltrans has the following comments: Traffic Engineering and Analysis Please revise the following: A3-2 The project distributions in figure 8 of the Local Transportation Study do not add up. There are 60% project trips going out at the SR-76 and I-5 interchange, but only 30% project trips going in. The AM existing plus project Synchro file does not match figure 10 of the Local Transportation Study for the SR-76 and Foussat Road intersection, the SR-76 and I-5 southbound ramps intersection and the SR-76 and I-5 northbound ramps The AM existing Synchro file shows a volume of 0 for the I-5 southbound to SR-76 eastbound movement. The AM existing and existing plus project Sim Traffic does not run due to a fatal The Synchro files need to be revised to include the I-5 and SR-76 interchange connected to the SR-76 segment to show the entire network and how it The Synchro files incorrectly model the I-5 and SR-76 interchange including not showing the correct lane configurations and having volumes of zero. Please see the following comments: Per section 4.14.4 Traffic and Circulation Impacts Analysis of the Draft Environmental Impact Report, the project proposes a fair share payment of 8.5% A3-8 towards the provisions of converting the existing eastbound and westbound right turn lanes to a combination through-right lane in the eastbound and westbound direction resulting in three through lanes in each direction. However, the three through lanes are only temporary, then followed by merge tapers. Additionally, the provided Synchro models with this mitigation do not accurately depict what is proposed in Appendix P of the Local Transportation Study. Please revise the Synchro files accordingly. Further analysis and discussions with Caltrans functional units is needed to determine if this proposed mitigation will be beneficial. The signal timing at SR-76 and Benet Road does not match the Caltrans Signal Timing sheets. Please revise accordingly.

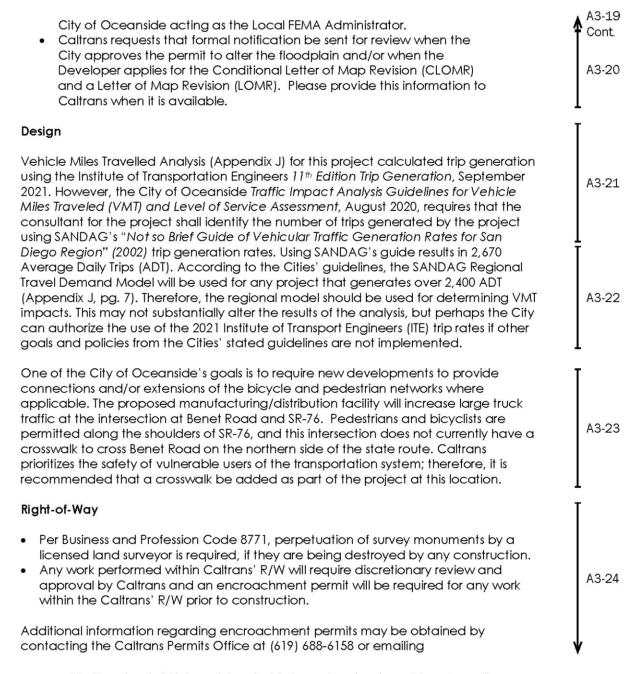
Page 2 of 5 in Comment Letter A3

 $[\]hbox{``Provide a safe and reliable transportation network that serves all people and respects the environment''}$

| Please provide a Synchro and Sim Traffic queuing analysis after the comments are addressed above regarding Synchro and Sim Traffic. | A3-11 |
|--|-------|
| Electric Vehicle | Ī |
| It is recommended that Electric Freight/Fleet Vehicles be utilized as much as possible for the proposed fleet/freight trips. Please clarify if the proposed 89 Elective Vehicle parking spaces includes freight | A3-12 |
| vehicles. Please clarify if the proposed 45 electric vehicle chargers include access for freight vehicles. | A3-13 |
| If electric vehicle fleets are not currently proposed for this site, please identify approximately a time frame when electric freight/fleet vehicles would be incorporated into the fleets at this location. | A3-14 |
| Hydrology and Drainage Studies | Ī |
| Please clarify what is the impact due to the proposed project to the Federal Emergency Management Agency (FEMA) defined Floodplain and associated water surface elevations at the Caltrans' Right-of-Way (R/W) along SR-76. | A3-15 |
| The Hydrology and Hydraulics Report states that levees exist on both sides of the San Luis Rey River, but the Federal levee project has not yet been certified by FEMA. Please provide more information on why the levees have not yet been certified by FEMA. Please provide a date as to when will the levees be certified. The National Levee Database describes the levees next to the project as the San Luis Rey River 3 (SLR3) Levee System. It states that in future the responsibility will be turned over to the City of Oceanside for post-construction operation and maintenance. Please confirm if the City is currently maintaining the levees. | A3-16 |
| The Hydrology and Hydraulics Report shows an exhibit with a proposed floodwall around the project. Provide more details on this floodwall and how it will impact the floodplain. | A3-17 |
| The Hydrology and Hydraulics Report states that the Manning's roughness coefficient used for the 2D model was 0.06. Please verify if this coefficient used in all models - effective, existing, proposed. Please provide copies of models/backup to verify. | A3-18 |
| The proposed project features may significantly alter the FEMA defined Floodplain and associated water surface elevations through the project area. Please confirm if the FEMA Flood Insurance Rate Map (FIRM) be remapped. Caltrans requests proof of coordination with the | A3-19 |

[&]quot;Provide a safe and reliable transportation network that serves all people and respects the environment"

Page 3 of 5 in Comment Letter A3



[&]quot;Provide a safe and reliable transportation network that serves all people and respects the environment"

Page 4 of 5 in Comment Letter A3

<u>D11.Permits@dot.ca.gov</u> or by visiting the website at https://dot.ca.gov/programs/traffic-operations/ep. Early coordination with Caltrans is strongly advised for all encroachment permits.

A3-24 Cont.

If you have any questions or concerns, please contact Shannon Aston, LDR Coordinator, at (619) 992-0628 or by e-mail sent to shannon_aston@dot.ca.gov.

Sincerely,

Kimberly D. Dodson

KIMBERLY D. DODSON, G.I.S.P. Acting Branch Chief Local Development Review A3-25

"Provide a safe and reliable transportation network that serves all people and respects the environment"

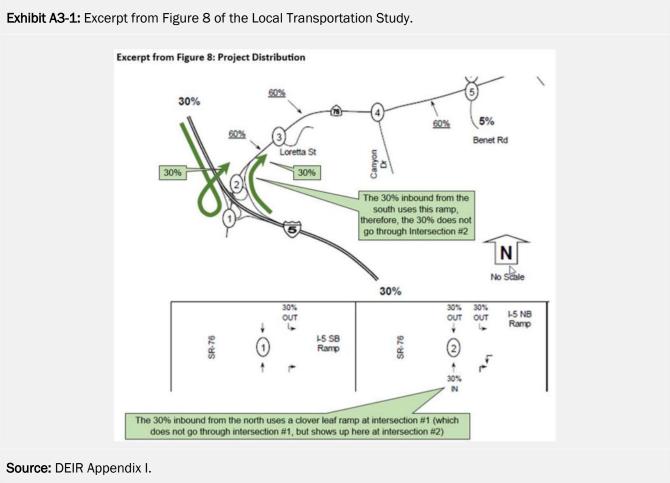
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Response to Comment Letter A3

California Department of Transportation Kimberly D. Dodson December 28, 2023

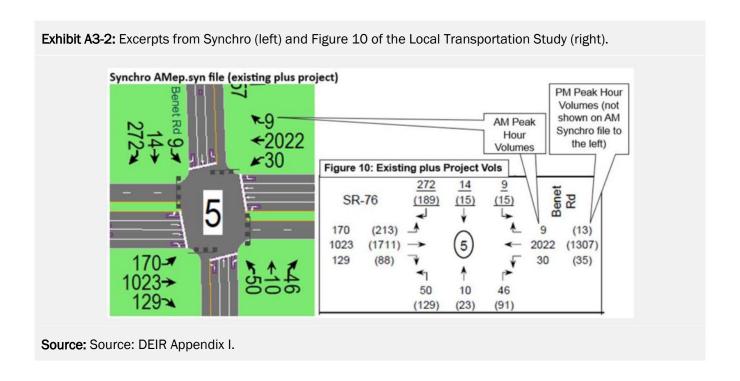
- A3-1 The California Department of Transportation (Caltrans) expresses appreciation for being included in the environmental review process for the DEIR for the project located near Interstate (I) 5 and State Route (SR) 76. The comment provides a summary of Caltrans' mission. The comment provides an introduction to comments that follow. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A3-2 The comment states that the project distribution within Figure 8 of the Local Transportation Study (LTS) (DEIR Appendix I) do not add up because it shows 60% of the project trips going out at the SR-76 and I-5 interchange, but only 30% project trips going in. In response, the 60% inbound from I-5 includes 30% from I-5 north and 30% from I-5 south. The 30% inbound from I-5 north uses a clockwise clover leaf ramp from I-5 southbound travel to SR-76 eastbound travel and does not pass through the traffic signal at intersection #1 because the clover leaf ramp connects to SR-76 approximately 140 feet northeast of intersection #1. This is why intersection #1 correctly shows 30% outbound and does not show the 30% inbound from I-5 north. Further to the northeast, and for the reasons just noted, the 30% inbound from I-5 north is shown at intersection #2 as 30% inbound. The 30% inbound from I-5 south uses a northbound ramp from I-5 to SR-76 eastbound and does not pass through the traffic signal at intersection #2 because the I-5 northbound to SR-76 eastbound ramp connects approximately 840 feet northeast of intersection #2. This is why intersection #2 correctly shows 60% outbound and only 30% inbound. The combined inbound 30% from I-5 north and 30% inbound from I-5 south add up to the 60% inbound traffic as shown on the segment on SR-76 east of intersection #2. The distribution in Figure 8 (excerpted below as Exhibit A3-1), shows how the noted ramps at the SR-76/I-5 interchange do not pass through intersections #1 and #2 as described above, where each approach leg only shows the movements that are going through the actual intersection. Therefore, the 60% in question is correctly shown on Figure 8 as called out in green and was correctly analyzed in the LTS.



A3-3 The comment states that the AM Existing Plus Project Synchro file does not match Figure 10, Existing plus Project Volumes, of the Local Transportation Study for the SR-76 and Foussat Road intersection,

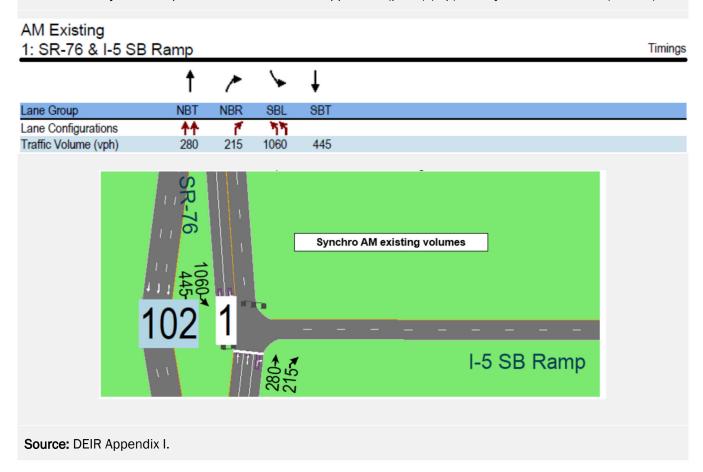
the SR-76 and I-5 southbound ramps intersection, and the SR-76 and I-5 northbound ramps intersection. The commenter is mistaken. The orientation of the two figures referenced in the comment is different, but the peak volume counts are the same. To illustrate that point, excerpts from the AM existing plus project Synchro file match excerpts from Figure 10, as shown below in Exhibit A3-2.

FINAL ENVIRONMENTAL IMPACT REPORT
EDDIE JONES WAREHOUSE, MANUFACTURING & DISTRIBUTION FACILITY PROJECT



A3-4 The comment states that the AM existing Synchro file shows a volume of 0 for the southbound to SR-76 eastbound movement. Please see Response to Comment A3-2 explaining how intersection #1 has a clockwise clover leaf ramp from I-5 southbound travel to SR-76 eastbound travel and does not permit vehicles to pass through this traffic signal because the clover leaf ramp connects to SR-76 approximately 140 feet northeast of intersection #1. The AM existing Synchro output and screenshot correctly show a volume of 1,060 AM trips on the southbound left turn onto the I-5 southbound ramp; this is documented in the Synchro output included in the LTS (DEIR Appendix I, p. 86) (Exhibit A3-3).

Exhibit A3-3: Synchro output worksheet from DEIR Appendix I (p. 86) (top) and Synchro screenshot (bottom).



- A3-5 The comment states that the AM existing and existing plus project Sim Traffic does not run due to a fatal error. In response, as reflected in the DEIR, the Synchro software does work and Synchro output was generated. The comment appears to be the result of a software issue with Caltrans' computer equipment.
- A3-6 The comment states that the Synchro files need to be revised to include the I-5 and SR-76 interchange connected to the SR-76 segment to show the entire network and how it interacts. Please see Response to Comment A3-2 explaining how the I-5 and SR-76 interchange is correctly coded in Synchro to reflect the actual approach lanes that go through intersection #1 (I-5 southbound ramp at SR-76) and through intersection #2 (I-5 northbound ramp at SR-76). The interchange has ramps that bypass the traffic signals along with southbound fixed green arrows that are always on to permit vehicles to travel south without stopping at intersection #1. Below is a screenshot of the Synchro file provided to the commenter along with an aerial of the interchange that show which travel lanes go through the intersections and the ramps that bypass the intersections (Exhibit A3-4). For context, a street view of the roadway circulation is also included that shows what is graphically depicted in the Synchro screenshot (Exhibit A3-5). The SR-76 southbound lanes have solid green arrows to proceed and do not cycle through yellow or red; thus, they are coded in Synchro as bypass lanes.



Exhibit A3-4: Synchro file (left) and aerial image (right).

Sources: DEIR Appendix I; Google Maps 2024.

Exhibit A3-5: Street view image of SR-76 southbound lanes.



Source: Google Maps 2024.

- A3-7 The comment states that the Synchro files incorrectly model the I-5 and SR-76 interchange including not showing the correct lane configurations and having volumes of zero. As shown in Responses to Comments A3-2 and A3-6 (above), the interchange is correctly coded and modeled. Synchro measures vehicle delay and level of service (LOS) caused by a traffic signal cycling through multiple phases of green, yellow, and red, thereby stopping some vehicles and permitting other vehicles to travel without conflict. Therefore, vehicles that do not have to stop at a red light at an intersection are coded in the Synchro model using nodes that avoid incorrectly calculating the vehicle delay for the remaining vehicles that have to stop for a red light. The intersection of I-5 southbound ramp at SR-76 has three southbound through lanes with solid green arrows that do not cycle through yellow and red. Therefore, the vehicles that do not stop are coded with the nodes. Those nodes have zeros because the traffic signal does not cause any vehicle delays as the traffic signal for those lanes is always green. Thus, the nodes are not reported in the Synchro output like other traffic signal intersections because they are not intersections where the traffic signal could result in a calculated LOS delay.
- A3-8 The comment notes that in Section 4.14.4, Impacts Analysis, of the traffic and circulation section of the DEIR, the project proposes a fair share payment towards the conversion of the existing eastbound and westbound right-turn lanes to a combination through-right lane in the eastbound and westbound direction, resulting in three through lanes in each direction. The comment incorrectly describes those three proposed lanes as "only temporary," followed by merge tapers. The proposal is to provide three full width, through lanes for a distance of approximately 910 linear feet (250 feet of a new through lane and 660 feet of merging taper in the eastbound direction and westbound directions). This change would start before the intersection as a restripe of the near side right-turn lane to a through-right lane and then have the additional lane in each direction taper back down after the intersection. The additional lanes (one in each direction) would not be temporary in the temporal sense. The improvement would remain in place unless and until the relevant agencies construct a different configuration. As demonstrated by the analysis in the DEIR, the proposed improvements that start before the intersection and end after the intersection with the tapers would increase the capacity at the intersection of SR-76 and Benet Road such that the project would not cause a cumulative contribution to an LOS deficiency.

A3-9 The comment states that the provided Synchro models with mitigation do not accurately depict what is proposed within Appendix P of the LTS (Appendix I to the DEIR). The commenter is correct that the information within the model provided to Caltrans included initial taper lengths and not the final length that was determined when the conceptual drawing was completed. In response, the Synchro files have been revised to match the final taper length for the proposed improvement of converting the existing eastbound and westbound right-turn lanes to a combination through-right lane in the eastbound and westbound direction. The Synchro outputs with those improvements are shown in Table A3-1. As depicted, the LOS and delay at the intersection of SR-76/Benet Road with the refined lane taper lengths are consistent with the results disclosed in the DEIR. Therefore, the conclusions regarding this issue adequately disclosed the project's cumulative contribution to an LOS delay with the proposed improvement.

Table A3-1. Intersection #5 SR-76/Benet Rd Operations with Improvement

| Intersection and Scenario | Movement | Study Period | Delay ¹ | LOS ² | Delay ¹ | LOS ² | | |
|---------------------------------|------------------------|-----------------|--------------------|------------------|-----------------------------|-----------------------------|--|--|
| Near Team + P | Near Team + Project | | As Analyzed in | the LTS | With Refined S | With Refined Synchro Inputs | | |
| 5) SR-76 at | All | AM | 25.7 | С | 25.7 | С | | |
| Benet Rd (S) | All | PM | 43.0 | D | 43.0 | D | | |
| Horizon Year + | Horizon Year + Project | | As Analyzed in | the LTS | With Refined Synchro Inputs | | | |
| 5) SR-76 at | All | AM | 69.8 | Е | 69.8 | Е | | |
| Benet Rd (S) | All | PM | 63.9 | Е | 63.9 | Е | | |

Notes: (S) Traffic Signal 1) Delay – HCM Average Control Delay in seconds. 2) LOS: Level of Service. 3) Delta in the increase in delay from project. 4) I pact if project traffic exceeds threshold.

The new Synchro output files are included as Attachment A to this Responses to Comments document.

A3-10 The comment states that the signal timing at SR-76 and Benet Road does not match the Caltrans Signal Timing Sheets and requests this information to be revised. In response, the Synchro timing matches the available Caltrans timing sheets as shown below in Exhibit A3-6. It is not clear from the comment why Caltrans staff believes the relevant information does not match. It is true that, for example, the nomenclature is not the same between Caltrans timing sheets and Synchro inputs and that Synchro has other phase settings that are not shown on Caltrans timing sheets. However, for purposes of conducting the required CEQA analysis, the timing information is substantively the same and the DEIR adequately disclosed and analyzed any of the project's potentially significant impacts.

Exhibit A3-6: Synchro timing settings (top) and Caltrans timing sheet (bottom).

| 5 | Bene | + Da | 81 1 | CP_ | 76 |
|-----|-------|------|------|------|-----|
| - 3 | Delle | LIVU | 120 | 21* | 7.0 |

| PHASING SETTINGS | 1 | → | • | 4 | ₩ | * | \ | †- |
|---|-------|-------------------------|-------|----------|----------|-------|----------|----------|
| 111110111010101011111100 | 1-WBL | 2-EBT | 3-NBL | 4-SBT | 5-EBL | 6-WBT | 7-SBL | 8-NBT |
| Minimum Initial (s) | 12.0 | 25.0 | 12.0 | 11.0 | 13.0 | 25.0 | 12.0 | 12.0 |
| Minimum Split (s) | 17.7 | 33.0 | 17.7 | 20.0 | 18.7 | 33.0 | 17.7 | 50.1 |
| Maximum Split (s) | 17.7 | 74.5 | 27.1 | 40.7 | 22.6 | 69.6 | 17.7 | 50.1 |
| Yellow Time (s) | 3.7 | 5.5 | 3.7 | 4.1 | 3.7 | 5.5 | 3.7 | 4.1 |
| All-Red Time (s) | 2.0 | 2.5 | 2.0 | 2.0 | 2.0 | 2.5 | 2.0 | 2.0 |
| Lagging Phase? | | $\overline{\mathbf{v}}$ | | <u> </u> | | ✓ | | ✓ |
| Allow Lead/Lag Optimize? | V | ~ | ~ | ~ | ~ | ~ | ~ | ✓ |
| Optimize Phs Weights - Delays | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Vehicle Extension (s) | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| Minimum Gap (s) | 2.0 | 3.5 | 2.0 | 2.0 | 2.0 | 3.5 | 2.0 | 2.0 |
| Time Before Reduce (s) | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Time To Reduce (s) | 0.0 | 0.1 | 0.0 | 0.0 | 0.1 | 0.1 | 0.1 | 0.0 |
| Recall Mode | None | C-Max | None | Min | None | C-Max | None | Min |
| Pedestrian Phase | | | | | | | | ✓ |
| Walk Time (s) | _ | _ | _ | _ | _ | _ | _ | 7.0 |
| Flash Dont Walk (s) | _ | _ | _ | _ | _ | _ | _ | 37.0 |

CALTRANS timing sheet

LOCATION: RTE 76 EXFRESSWAY @ BENET ROAD - AIRPORT ROAD (WE: CALTRANS C8 Version 3 DATE: 10/1/2015 F PAGE

| | INTERVAL | | | E | HASE | TIM | ING | | | | PRE-EMPTI |
|---|------------|-----|-----|------|------|-----|-----|-----|-----|---------|-----------|
| | | 1 | 2 | 3 | 4 | .5 | 6 | 7 | 8 | 9 | E |
| 0 | WALK | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 7 | CLK RST | EV SEL |
| 1 | DONT WALK | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 37 | | RR1 CLR |
| 2 | MIN GREEN | 12 | 25 | 12 | 11 | 13 | 25 | 12 | 12 | | EVA DLY |
| 3 | TYPE 3 DET | 0 | 255 | 0 | 0 | 0 | 255 | 0 | 0 | 11 | EVA CLR |
| 4 | ADD/VEH | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | | EAB DTA |
| 5 | PASSAGE | 2.0 | 6.3 | 2.0 | 2.0 | 3.0 | 6.3 | 3.0 | 2.0 | | EVB CLR |
| 6 | MAX GAP | 2.0 | 8.3 | 2.0 | 2.0 | 5.0 | 8.3 | 5.0 | 2.0 | | EVC DLY |
| 7 | MIN GAP | 2.0 | 3.5 | 2.0 | 2.0 | 2.0 | 3.5 | 2.0 | 2.0 | | EVC CLR |
| 8 | MAX EXT | 18 | 50 | 18 | 24 | 27 | 50 | 28 | 23 | | EAD DPA |
| 9 | MAX 2 | 8 | 80 | 3 | 4 | 2 | 80 | 0 | 3 | YR | EVD CLR |
| A | MAX 3 | 3 | 80 | 1.15 | 4 | | 80 | | 3 | МО | MAX EV |
| В | | | | | | | | | | DAY | RR2 CLR |
| C | REDUCE BY | 0.0 | 0.1 | 0.0 | 0.0 | 0.1 | 0.1 | 0.1 | 0.0 | DCM | 3 |
| D | EVERY | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | HR | |
| E | YELLOW | 3.7 | 5.5 | 3.7 | 4.1 | 3.7 | 5.5 | 3.7 | 4.1 | MIN | |
| F | RED | 2.0 | 2.5 | 2.0 | 2.0 | 2.0 | 2.5 | 2.0 | 2.0 | SEC | - (|

Sources: DEIR Appendix I; Caltrans 2015.

A3-11 The comment requests a revised Synchro and Sim Traffic queuing analysis after comments A3-2 through A3-10 are addressed above. As addressed in the Responses to Comments A3-2 through A3-10, the Synchro inputs correctly represent the intersections, except for the clarification provided in Response to Comment A3-9. The commenter is mistaken that additional Synchro and Sim Traffic data are needed. As requested in this comment, a Synchro queuing analysis has been completed for the eastbound left-turn lane that shows the existing left-turn lane has capacity to accommodate the "Existing + Cumulative + Project" and "Horizon Year + Project Conditions;" this is shown below in Table A3-2. These updated Synchro files are included as Attachment A to this Responses to Comments document.

Table A3-1. Synchro Queuing Analysis

| | | | <u> </u> | xisting+Cumul | ative +Project | Horizon Year + Project | | |
|--------------|-----------|----------|------------------------------|---|---------------------|---|---------------------|--|
| Intersection | Park Hour | Approach | Storage Length in feet | 95 th Percentile Queue ¹ (ft) | Exceeds Storage? | 95 th Percentile Queue ¹ (ft) | Exceeds Storage? | |
| 5) SR-7 at | AM | EBL | 450 | 211 | No | 297 | No | |
| Benet Rd. | PM | EBL | 450 | 265 | No | 368 | No | |

Notes: EBL: Eastbound Left. (1) Queue 95th percentile from Sim Traffic analysis.

- A3-12 The comment recommends that electric freight/fleet vehicles be utilized as much as possible. This comment has been considered by the City, but the comment does not raise an issue of CEQA compliance. No revisions are required.
- A3-13 The comment requests clarification on whether or not the 89 electric vehicle spaces include freight vehicles and whether or not the 45 electric vehicle chargers include access for freight vehicles. In response, the EV charging spaces shown on the project site plans are only for passenger vehicles, not freight vehicles. However, the service and transformer would be sized to handle the additional capacity of the future chargers.
- A3-14 The comment states that if electric fleet vehicles are not currently proposed, a timeframe of when electric fleet vehicles would be incorporated should be provided. The comment does not raise an issue of CEQA compliance. Further, it is not possible for forecast a time frame because the future tenants of the project are unknown, as are future government programs, laws, and incentives as related to electric freight/fleet vehicles.
- A3-15 The comment asks for clarification on the project's impact to the FEMA defined floodplain and associated water surface elevations at the Caltrans' right-of-way along SR-76. In response, Section 4.9, Hydrology and Water Quality, of the DEIR discloses that the project would not result in significant adverse hydrological impacts based on the information available at the time of the preparation of the DEIR. Tory R. Walker Engineering recently received an effective hydraulic model from FEMA for the San Luis Rey River. Applying that hydraulic model to the project with existing and proposed conditions confirms that the proposed project would have a less than significant impact on the floodplain and associated water surface elevations at the Caltrans right-of-way along SR-76. Please refer to the revised Hydrology and Hydraulics Report included as Appendix E to the Final EIR.
- A3-16 The comment requests information on why the levees on both side of the San Luis Rey River have not been certified by FEMA, including a date as to when the levees will be certified. The comment also asks

for confirmation of whether the City is currently maintaining the levees. In response, the comment does not raise any issues with the adequacy of the DEIR, and therefore no further response is required.

- A3-17 The comment requests additional information on the proposed floodwall around the project and how it will impact the floodplain. The Hydrology and Hydraulics Report (Appendix E to the Final EIR) explains that the proposed floodwall would follow FEMA design guidelines, and the top would be designed to be higher than the base flood elevation (approximately 8-foot-tall floodwall). The Hydrology and Hydraulics Report also shows that the proposed conceptual floodwall would not have a significant adverse impact under CEQA. The final floodwall has not yet been designed, but the project approvals would require that the final design substantially conform to the floodwall conceptually described in the hydraulic report prepared for the project.
- A3-18 The comment references the Hydrology and Hydraulics Report and requests verification that the Manning's roughness coefficient of 0.06 used for the 2D model was used in all models (effective, existing, proposed), as well as copies of the models to verify. In response, the 2D model has been revised to a 1D model with the recent receipt of a FEMA effective 1D hydraulic model. The Mannings coefficients are described in the updated report. They follow the coefficients that were in the effective model, with some variations as the vegetation of the channel and banks changes as the model nears the Pacific Ocean. Please see the revised Hydrology and Hydraulics Report included as Appendix E to the Final EIR. The revised modeling described above does not change the impact significance conclusions in the EIR, specifically in Section 4.9 of the EIR.
- A3-19 The comment states that the project features may significantly alter the FEMA defined floodplain and requests confirmation that the FEMA Flood Insurance Rate Map is being remapped. The comment also requests proof of coordination with the City of Oceanside acting as the local FEMA administrator. In response, under applicable law, the project applicant would be required to apply for a CLOMR and LOMR through FEMA as a condition of development. Coordination with the City and FEMA would occur as part of that process. Under the law, given that the project is only at the discretionary permitting stage, it would be improper and premature to commence the FEMA application process now. As described in Section 4.9 of the EIR, the project site is located in Special Flood Hazard Area Zone A99. as designated by FEMA. Zone A99 designates areas "within the 100-year floodplain that will be protected by a Federal flood protection system under construction." In this case, the federal flood protection system are the levees that have already been constructed along the San Luis Rey River, but this project (levees) has yet to be certified by FEMA. As demonstrated in the Hydrology and Hydraulics Report (Appendix E of the Final EIR), with the levees in place, the water surface elevation at the project site during a 100-year flood remains the same in both the existing and proposed conditions (22.39) feet, North American Vertical Datum of 1988 [NAVD 88]). The proposed project would not increase water surface elevation. As an additional flood protection feature, an approximately 8-foot tall perimeter flood wall would also be incorporated around the boundary of the entire project site.
- A3-20 The comment requests that formal notification be sent to Caltrans for review when the City approves the permit to alter the floodplain and/or when the developer applies for a CLOMR and a LOMR. The City acknowledges this comment and formal notification will be provided to Caltrans once a CLOMR/LOMR application is submitted.
- A3-21 The comment states that trip generation was calculated using Institute of Transportation Engineers (ITE) 11th Edition Trip Generation Manual (ITE 2021a), but the City of Oceanside Traffic Impact Analysis

Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (Traffic Guidelines) (City of Oceanside 2020) requires that the consultant for the project identify the number of trips generated by the project using SANDAG's Not so Brief Guide of Vehicular Traffic Generation Rates for San Diego Region (SANDAG 2002) trip generation rates. In response, the author is mistaken. Section 6.0 of the Traffic Guidelines (City of Oceanside 2020) states the trip generation shall be calculated using either SANDAG or ITE if approved by the City traffic engineer. The SANDAG trip rates for industrial land use are based on the 6th Edition of the ITE Trip Generation Manual, which is calculated from data that are over 27 years old. Therefore, the current ITE 11th Edition Trip Generation Manual trip rates were used, reviewed, and approved by the City traffic engineer.

- A3-22 The comment states that using SANDAG's Not so Brief Guide of Vehicular Traffic Generation Rates for San Diego Region (SANDAG 2002), the project would result in 2,670 average daily trips (ADT), and states that the City's Traffic Guidelines require any project that generates over 2,400 ADT to use the SANDAG Regional Travel Demand Model for determining VMT impacts. The commentor is mistaken in their understanding of the Traffic Guidelines (City of Oceanside 2020). Page 9 of the City's Traffic Guidelines states only that a SANDAG Regional Travel Demand Model is used for the purpose of determining the trip distribution and assignment (not VMT) when a project has more than 2,400 ADT. Please refer to Response to Comment A3-21 for an explanation as to why ITE trip rates were applied and not SANDAG trip rates. The methodology used for the project's VMT analysis complies with the City's formally adopted guidance and the City's engineering judgment. The additional and different analysis suggested in the comment is neither necessary nor appropriate for this specific project.
- A3-23 The comment states that the City has goals related to pedestrians and cyclists and requests that a crosswalk be added as a part of this project on the north side of the intersection of SR-76 and Benet Road. The LTS (Appendix I of the DEIR) included a pedestrian network analysis consistent with the Traffic Guidelines (City of Oceanside 2020). The LTS correctly analyzed the sidewalk network consistent with the Traffic Guidelines by documenting the missing and existing sidewalk segments on both the east and west side of Benet Rd within a 0.5-mile walking distance of the project site. The comment fails to disclose that the project would provide pedestrian improvements to Alex Road and the east side of Benet Road that would allow for direct pedestrian access from the project site to the San Luis Rey River Trail. The comment also does not acknowledge that an existing contiguous sidewalk already exists on the east side of Benet Road from the project site to the SR-76 and that a north/south crosswalk exists on the east side of Benet Road across SR-76. As there are no sidewalks allowed along the SR-76, and given the project's pedestrian improvements connecting the project site to the San Luis Rey River Trail, nothing further is required under the City's Traffic Guidelines, the General Plan, or CEQA as it relates to this issue.
- A3-24 The comment states that per Business and Profession Code Section 8771, perpetuation of survey monuments by a licensed land surveyor is required if they are being destroyed by construction. Additionally, the comment states that any work performed within the Caltrans right-of-way will require discretionary review and approval by Caltrans and an encroachment permit prior to construction. The City acknowledges this comment, and the project would comply with applicable requirements. No survey monuments would be destroyed as a result of project construction. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A3-25 The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the DEIR, and no further response is required.

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Comment Letter A4

From: Dan Niebaum <dan@lightfootpg.com>
Sent: Friday, January 5, 2024 12:05 PM
To: Adam Robinson; Vanessa Scheidel
Cc: Hayley Ward; Keegan Kingsbury

Subject: FW: [EXTERNAL] RE: Eddie Jones Warehouse- SCH Number 2022070365

All,

Rob D. just forwarded the outstanding USFW comments on the DEIR – as attached in the body of the email below. I would not expect staff to support the USFW comment on the WCPZ and project alternative area, given this was industrially zoned and developed site.

Thanks-

Dan Niebaum, AICP | Vice President 5900 Pasteur Court, Suite 110 Carlsbad, CA 92008 760-692-1924 ext 230 www.lightfootpg.com



Please note our office hours: Monday - Thursday 8:00 am - 5:30 pm. Friday – flexible workday, working remotely.

From: Robert Dmohowski < RDmohowski@oceansideca.org>

Sent: Friday, January 5, 2024 11:46 AM To: Dan Niebaum <dan@lightfootpg.com>

Subject: Fwd: [EXTERNAL] RE: Eddie Jones Warehouse- SCH Number 2022070365

Sent from my iPad

Begin forwarded message:

From: "Zoutendyk, David" < David Zoutendyk@fws.gov >

Date: January 5, 2024 at 11:08:30 AM PST

To: Robert Dmohowski < rdmohowski@oceansideca.org>

Cc: "Curtis, Taylor L" <taylor curtis@fws.gov>

Subject: Re: [EXTERNAL] RE: Eddie Jones Warehouse- SCH Number 2022070365

Warning: External Source

1

In Reply Refer to: 2024-0031657_CEQA_EIR_SD

Sent Electronically

Robert Dmohowski Principal Planner Development Services Department 300 North Coast Highway Oceanside, California 92024

Subject: Comments on the Draft Environmental Impact Report for Eddie Jones Warehouse Project, City of Oceanside, San Diego County, California

Dear Robert Dmohowski:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the Eddie Jones Warehouse Manufacturing and Distribution Facility Project (project), in the City of Oceanside (City), California. Our comments and recommendations are based on the information provided in the DEIR, our knowledge of sensitive and declining vegetation communities in San Diego County, and our participation in the Multiple Habitat Conservation Program (MHCP) and the City's draft MHCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act.

The project proposes to build a new warehouse and distribution facility and associated improvements on the 31.79-acre project site located at 250 Eddie Jones Way at the northeastern corner of Benet Road and Eddie Jones Way. The project site is bordered by the San Luis Rey River to the north, undeveloped property to the east and west, and the Bob Maxwell Memorial Field Oceanside Municipal Airport to the south. The project site includes 14.9 acres of urban/developed land and 16.28 acres of disturbed habitat. It is anticipated that project construction will take approximately 12 months. Our primary concerns with the project are: 1) habitat mapping on the project site and the undeveloped property to the east of the project site; 2) potential impacts to federally listed species and 3) consistency with the draft SAP.

According to the DEIR, 36 native plants (32 percent of all plants found) occur on the project site, including Menzies' golden bush (*Isocoma menziesii*), western ragweed (*Ambrosia psilostachya*), coyote brush (*Baccharis pilularis*), mulefat (*Baccharis salicifolia*), laurel sumac (*Malosma laurina*), California buckwheat (*Eriogonum fasciculatum*), lemonade berry (*Rhus integrifolia*), poison oak (*Toxicodendron diversilobum*), Gooding's willow (*Salix gooddingii*) and arroyo willow (*Salix lasiolepis*). Assuming that most of the 36 native plants occur outside of the urban/developed land, it is unclear why all of the remaining 16.28 acres of habitat is considered disturbed. Therefore, we request more information on the percent cover of native plants and a site visit to clarify the habitat mapping for the project site.

The federally endangered least Bell's vireo (*Vireo bellii pusillus*, vireo), southwestern willow flycatcher (*Empidonax traillii extimus*, flycatcher), and light-footed Ridgway's rail (*Rallus obsoletus levipes*, rail) are known and have the potential to occur within the riparian wetland in the San Luis Rey River adjacent to the project site (Service 2023). Based on review of aerial photographs (Google Earth Pro 2023), the adjacent property to the east of the project site may

A4-1

A4-2

A4-3

A4-4 A4-5 A4-6

A4-7

A4-8

2

Page 2 of 8 in Comment Letter A4

support coastal sage scrub which could be occupied by the federally threatened coastal California gnatcatcher (*Polioptila californica californica*, gnatcatcher) and Section 4.3.4 the DEIR also states that indirect impacts may occur to the gnatcatcher in habitat adjacent to the biological study area. While the project will avoid direct impacts to adjacent habitat that is known or potentially occupied by federally listed species, trash and associated increase in predators (e.g., rats, opossum, raccoon, ravens, crows, gulls etc.) and brown-headed cowbird (*Molus ather*) parasitism; noise; human activity; lighting; dust; exposure to urban pollutants (fertilizers, pesticides, herbicides and other hazardous materials); soil erosion; hydrological changes (e.g., surface and groundwater level and quality); and increased occurrence of nonnative plants, could impact these species during and/or after project construction, especially during their breeding seasons. Therefore, we recommend the Final EIR(FEIR) include mitigation measures to avoid and minimize potential impacts to federally listed species in addition to those already included in the DEIR (Appendix). Potential project impacts to federally listed species may be addressed either through section 7 (if there is a federal nexus) and 10 of the Act.

Section 3.2 of the DEIR states that the "proposed project has been designed to maintain a 100-foot buffer (50-foot biological buffer, plus a 50-foot planning buffer) from the edge of the San Luis Rey River riparian wetland." However, other DEIR sections (e.g., Section 4.3.1.2) state that a 100-foot biological buffer shall be established with coastal sage scrub on the project site consistent with the draft SAP. Establishing a 100-foot biological buffer is important to avoid and minimize potential impacts to federally listed species in the riparian wetland in the San Luis Rey River adjacent to the project site. Therefore, the FEIR should also include a mitigation measure for establishing a 100-foot biological buffer consistent with the draft SAP (Appendix).

As stated in the DEIR, the proposed project is located within the Wildlife Corridor Planning Zone (WCPZ) described in the draft SAP. The WCPZ encompasses habitat that potentially contributes to the north–south, regional steppingstone corridor for the gnatcatcher and other bird species. The draft SAP states that "New development on existing properties larger than 2 acres within this zone shall conserve at least 50 percent of the parcel as open space, and may remove no more than 25 percent of the coastal sage scrub habitat."

Although included in the WCPZ, the DEIR concludes that since the proposed project site does not currently support coastal sage scrub and does not serve as a steppingstone for dispersing gnatcatchers, the requirement to conserve the parcel as open space consistent with draft SAP is not appropriate. However, gnatcatchers can disperse through fragmented habitat (Bailey and Mock 1998) and as noted above, 36 native plants (32 percent of all plants found) occur on the project site including some coastal sage scrub species. Therefore, the project site may support gnatcatcher dispersal and consistent with the draft SAP, we recommend the FEIR include an alternative that avoids at least 50 percent of the 15.43 acres of disturbed habitat (i.e., 7.72 acres) in addition to the 0.85 acre in the 100-foot biological buffer. If this alternative is chosen, we would support allowing coastal sage scrub restoration in this area to be used as mitigation for other concurrent projects consistent with the draft SAP if the restored coastal sage scrub is also preserved and managed in perpetuity according to a plan approved by the Service.

We appreciate the opportunity to comment on the DEIR. The Service is available to arrange a site visit with the City and Applicant. If you have any questions regarding our comments, please contact Taylor Curtis at 760-431-9440, extension 371.

LITERATURE CITED

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| | and P.J. Mock. 1998. Dispersal capability of the California gnatcatcher: a landscape vsis of distribution data. Western Birds 29: 351–360. | Î |
|-------------------------|--|----------------|
| https | n Pro 7.3.6. 2023. 33°13'8.58"N 117°21'16.99"W. January 2023. ://earth.google.com/web/@33.21879333,- 35374918,1285.69980954a,0d,35y,0.0011h,0t,0r/data=CggqBggBEgAYADoDCgE | A4-14 Cont. |
| Spec | S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office. 2023. GIS Division ies Occurrence Data Download (zip) updated August 2023. :://www.fws.gov/office/carlsbad-fish-and-wildlife/library | |
| | APPENDIX | Ī |
| | ng mitigation measures (MMs) will be included in the project FEIR and City avoid, minimize, and offset potential adverse effects to the vireo, flycatcher, rail and | A4-15 |
| MM 1. | All project construction within 500 feet of riparian wetland in the San Luis Rey River will occur outside the vireo, flycatcher, and rail nesting seasons (collectively March 15 to September 15). | |
| MM 2. | If found on the adjacent parcel to the east of the project site, all project construction within 500 feet of gnatcatcher habitat will occur outside the gnatcatcher nesting season (February 15 to August 31). | A4-16 |
| MM 3. | All permanent lighting for the project adjacent to the San Luis Rey River will be selectively placed, shielded, and directed away from the river. In addition, lighting abutting the San Luis Rey River will be screened with vegetation, and large, spotlight-type lighting will be prohibited. The Applicant will submit a draft lighting plan to the Service within 60 days of initiating project impacts. The Applicant will submit to the Service the final lighting plan within 30 days of receiving approval of the draft plan. | A4-17 |
| MM 4. | Project construction will occur during daylight hours. | I A4-18 |
| MM 5. order habit | The following conditions will be implemented during project construction in to minimize potential impacts to the vireo, flycatcher, rail, gnatcatcher and their at: | Ţ |
| 1 | Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint and designated staging areas and routes of travel. The construction area(s) will be the minimal area necessary to complete the project and will be specified in construction plans; | |
| 2 | To avoid attracting predators of the vireo, flycatcher, rail and gnatcatcher the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site; | A4-19 |
| 3 | Disposal or temporary placement of excess fill, brush or other debris will not be allowed in waters of the U.S. or on their banks; | |
| 4 | Pets of project personnel will not be allowed on the project site; | |
| | 4 | V |

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- Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures; and
- 6. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or another such activities will occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States.

MM 6. 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.

- MM 7. Prior to the onset of the first bird breeding season prior to or concurrent with the initiation of project construction, the Applicant will provide a detailed protocol to the Service for approval for the perpetual control of brown-headed cowbirds in the adjacent San Luis Rey River. The protocol will provide for the following elements:
 - a. A Service-approved biologist will survey the riparian for cowbirds annually once in early to mid-April and once in mid- to late May to assess the presence of cowbirds. Timing of the surveys will be such that it allows for the implementation of a timely control program that is effective at preventing brood parasitism on vireos.
 - b. If cowbirds are found, a control program will be initiated and continued annually during the 5-year onsite habitat restoration and enhancement monitoring period. The program may include shooting with pellet guns or trapping of the cowbirds. If shooting is done, such that no cowbirds remain on site, then trapping will not be initiated. If trapping is performed, one trap will be set in the wetland on site. The trap will be maintained in accordance with standard methods employed in southern California riparian systems.
 - c. After completion of the 5-year onsite habitat restoration and enhancement monitoring period, the Service will evaluate the cowbird control program to determine the level of cowbird surveys and control that will be appropriate for long-term management of the onsite preserve. Factors that will be evaluated will include time elapsed since completion of construction, the level of human impact present near the site to date, and the number of cowbirds observed on site during the 5-year monitoring period. The cowbird control program may cease after discussion with the Service if the biological monitors conducting the cowbird trapping and monitoring find no cowbirds in the area and no cowbird parasitism occurring upon completion of the 5-year onsite habitat creation, restoration, and enhancement monitoring period. If a more effective alternative cowbird control method is developed,

A4-19 Cont.

A4-20

A4-21

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| | the control program may also be terminated or modified as approved by the Service. If the Service determines that the cowbird survey and control program is necessary for long-term management of the adjacent San Luis Rey River, sufficient funds to cover the cost of the program will be added to a non-wasting endowment or other financial instrument approved by the Service. | A4-21 Cont. |
|--------|--|----------------|
| MM 8. | The Applicant will ensure that project landscaping does not include nonnative plant species that may be invasive to native habitats. Nonnative plant species excluded are any species listed on the Cal-IPC's "Invasive Plant Inventory" List. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC's website . In addition, landscaping will not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas, and water runoff from landscaped areas will be directed away from the biological conservation easement area and contained and/or treated within the identified stormwater management facilities in project plans. The Applicant will submit a draft list of species to be included in the landscaping to the Service at least 45 working days prior to initiating project landscaping and will allow the Service an opportunity to verify that no Cal-IPC invasive plants are proposed for use. The Applicant will submit to the Service the final list of species to be included in the landscaping within 30 days of receiving concurrence on the draft list of species, if any changes are necessary. | A4-22 |
| MM 9. | Any planting stock to be brought onto the project site for landscaping or habitat creation, restoration, and 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 (<i>Linepithema humile</i>), fire ants (<i>Solenopsis invicta</i>) 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 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. The Applicant will ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation, restoration, and enhancement. | A4-23 |
| MM 10. | A minimum 100-foot biological buffer will be established beginning at the outer edge of riparian vegetation in the San Luis Rey River. Within the 100-foot biological buffer, no new development will be allowed, and the buffer will be managed for natural biological values as part of the City's preserve system. All areas on the project site within the 100-foot buffer area will be restored to coastal sage scrub according to a plan approved by the Service. | A4-24 |

David
David Zoutendyk (He/His/Him)
Division Supervisor

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U.S. Fish and Wildlife Service Carlsbad Fish and Wildlife Office 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008 (760) 431-9440 x222

david zoutendyk@fws.gov

I am currently working from home and infrequently checking my office voicemail. Please email me if you'd like to schedule a phone call or meeting.

From: Curtis, Taylor L < taylor curtis@fws.gov>
Sent: Wednesday, January 3, 2024 2:01 PM

To: Robert Dmohowski < RDmohowski@oceansideca.org > Cc: Zoutendyk, David < David Zoutendyk@fws.gov >

Subject: RE: [EXTERNAL] RE: Eddie Jones Warehouse-SCH Number 2022070365

Hi Robert,

Happy New Year! We truly value the support and coordination thus far on this project. Given our workload and schedules, we kindly request an extension until next Friday, January 12th, to provide our formal comments. Our aim is to ensure timely progress for both the City and the applicant, but this extension would greatly facilitate our efforts as we track down additional information. If helpful, I'm available for a call to discuss this further at a time that works best for you. Furthermore, should our letter be finalized before the mentioned date we will promptly submit it!

Thanks,

Taylor Curtis

Fish and Wildlife Biologist U.S. Fish and Wildlife Service 2177 Salk Avenue, Suite 250 Carlsbad, CA 92008

(she, her, hers)

(760) 431-9440 x371

I am currently working from home and infrequently checking my office voicemail. Please email me if you'd like to schedule a phone call or meeting.

From: Robert Dmohowski < RDmohowski@oceansideca.org>

Sent: Thursday, December 28, 2023 12:05 PM To: Curtis, Taylor L <taylor_curtis@fws.gov>

Subject: [EXTERNAL] RE: Eddie Jones Warehouse-SCH Number 2022070365

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Taylor,

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Thank you for reaching out and providing a status update on your review. Given the level of interest on this project, we had extended the comment period to accommodate all interested parties. We value your input on these types of projects, especially when in proximity to sensitive habitat such as the San Luis Rey River. To avoid any delays in moving the applicant's development application forward, I request comments be submitted no later than January 5th. Please also feel free to forward any major concerns in advance so that city staff and the applicant's team can begin to address. Have a happy New Year.

Regards,



Rob Dmohowski, AICP
Principal Planner, Current Planning
City of Oceanside
Development Services Department
Planning Division
760-435-3539

rdmohowski@oceansideca·org

All voicemail to and e-mail to and from the City of
Oceanside may be considered public information and
may be disclosed upon request.

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Response to Comment Letter A4

U.S. Fish and Wildlife Service David Zoutendyk January 5, 2024

- A4-1 The comment provides an introduction to comments that follow. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A4-2 This comment outlines the U.S. Fish and Wildlife Service's (USFWS's) legal responsibilities. In response, the comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A4-3 The comment provides the author's partial summary of the project description and project location. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- A4-4 The comment serves as an introduction to the comment that follows related to habitat mapping. Refer to Response to Comment A4-7.
- A4-5 The comment serves as an introduction to the comment that follows related to potential impacts to federally listed species. Refer to Response to Comment A4-8.
- A4-6 The comment serves as an introduction to the comments that follow related to consistency with the draft Subarea Plan (SAP). Refer to Responses to Comments A4-9 through A4-12.
- A4-7 The comment purports to summarize the DEIR, noting that there are 36 native plants on the project site, and it lists several species that were included. The comment states "Assuming that most of the 36 native plants occur outside of the urban/developed land, it is unclear why all of the remaining 16.28 acres of habitat is considered disturbed. Therefore, we request more information on the percent cover of native plants and a site visit to clarify the habitat mapping for the project site." In response, the Biological Technical Report and Section 4.3 of the DEIR prepared for the project document that the entire project site has been developed or disturbed. The DEIR lists all species detected on the project site. The native species listed are located sporadically (one or two plants together) throughout the urban/developed land and disturbed areas. There are no patches of native stands that meet the percent cover mapping standards per Holland and Oberbauer or minimum mapping units recommended by the Survey of California Vegetation Classification and Mapping Standards Mapping (CDFW 2019). Therefore, the DEIR appropriately and correctly characterized the nature of the project site.
- A4-8 The comment provides a list of federally endangered wildlife that have potential to occur within the riparian wetland in the San Luis Rey River and other adjacent property. The comment acknowledges that the DEIR determined that the project would not result in direct impacts to these species. The author lists potential indirect impacts and recommends the Final EIR include mitigation measures to avoid and minimize potential indirect impacts to federally listed species in addition to those already included in the DEIR. It also notes that any impacts to federally listed species may be addressed either through Section 7 (if there is a federal nexus) or Section 10 of the Endangered Species Act.

In response, the indirect impacts that could occur as a result of the proposed project are described in Section 6.3.2 of the Biological Resources Technical Report (Appendix C to the EIR) and Section 4.3.4 of the DEIR. MM-BIO-2 requires covered trash receptacles that are animal-proof and weather-proof. As addressed in the DEIR, Least bell's vireo are susceptible to nest parasitism from brown-headed cowbirds. Microhabitat cover is an important habitat feature that influences incidence of brown-headed cowbird parasitism of vireo nests, with more cover near a nest reducing the chances that a cowbird will observe vireo nesting activity and subsequently parasitize a nest (Sharp and Kus 2010). Removal of riparian habitat reduces the amount of available habitat utilized by vireos or may reduce the amount of dense riparian cover available for hiding nests, which increases the risks of nest parasitism. Since the project proposes no removal of riparian habitat, the proposed project is not expected to have an adverse CEQA impact on the chances of cowbird parasitism of least Bell's vireo nests.

Noise levels are described in Section 5 of the Noise Technical Report (DEIR Appendix H) and Section 4.11.5 of the DEIR. In response to this comment additional noise modeling was run and found that the predicted construction noise would not exceed 60.0 dB hourly L_{eq} within 500 feet of the edge of the riparian habitat. Long-term operational noise was found to not result in readily perceptible increases in traffic noise. Combined estimated on-site noise emissions were found to be 52 dBA hourly L_{eq} for the industrial zones and 41 dBA hourly L_{eq} for residential zones, both of which are lower than applicable noise standards. As stated in Section 7.1 of the BTR, MM-BIO-1 requires 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. If a nest is found, a 500-foot buffer would be set in place until such time as the birds have fledged the nest. The noise requirement for least bell's vireo is equal to or less than 60 dB hourly average. Per the findings of the Noise Technical Report, the noise levels would not exceed 60 dB within 500 feet.

The DEIR has thoroughly analyzed the direct and indirect impacts to special-status species and provided minimization and mitigation measures to reduce potential significant impacts to less than significant. Therefore, no additional measures have been included. There is no potential for "take" of listed species; therefore, no Section 7 or Section 10 consultation is required. Additionally, the project team agreed to incorporate the additional project design features outlined in Response to Comment 05-29, which would further ensure impacts would be less than significant.

- A4-9 The comment recommends that the Final EIR should also include a mitigation measure for establishing a 100-foot biological buffer consistent with the draft SAP. In response, consistent with CEQA, the 100-foot buffer establishment and revegetation is part of the project as proposed. As the buffer is a core project design feature, CEQA does not require that the City identify the buffer as a mitigation measure. Section 3.2 of the project description (Chapter 3 of the DEIR) describes this in more detail. The buffer is also shown on Figure 2, Proposed Project, in the Biological Resources Technical Report (Appendix C to the EIR). As the analysis of the project complies with CEQA, no changes to the DEIR or further responses are required.
- A4-10 This comment provides the author's summary of the Wildlife Corridor Planning Zone (WCPZ) as it relates to the project. See Response to Comment A4-12 for a substantive discussion of this topic.
- A4-11 This comment provides the author's paraphrasing of the DEIR related to the WCPZ. See Response to Comment A4-12 for a substantive discussion of the topic.

A4-12 The comment states that the site may support gnatcatcher dispersal and recommends the Final EIR include an alternative that avoids at least 50% of the disturbed habitat in addition to 0.85 acres in the 100-foot buffer. In response, Section 5.3.1.1 of the draft SAP (City of Oceanside 2010) states that the General Development Standards for projects within the WCPZ apply to all undeveloped properties: "removal of native habitats shall be avoided to the maximum extent feasible, without precluding reasonable use of the property. New development on existing properties larger than 2 acres within this zone shall conserve at least 50 percent of the parcel as open space and may remove no more than 25 percent of the coastal sage scrub habitat." This entire property was previously developed and therefore not subject to the General Development Standard.

As stated in Chapter 2, Environmental Setting, of the DEIR, the project site was previously developed with an approximately 172,300-square-foot industrial manufacturing building and associated improvements, including parking areas and ancillary infrastructure. The proposed project would redevelop the site with industrial uses consistent with the existing General Plan land use and zoning designations for the site. The site is mapped as developed and disturbed habitat, not supporting "native habitats" as called out in the draft SAP. Section 5.3.1.1 of the Draft SAP (City of Oceanside 2010) also states "For redeveloping properties over 2 acres in size and with undeveloped space, the redevelopment footprint shall be limited to either the existing City-approved legal development footprint or the maximum development footprint allowed by the policies of this Plan, whichever is larger." The project is located entirely within an existing City-approved legal development footprint. Therefore, contrary to the opinion offered in the comment, the proposed project is consistent with the General Development Standards described in the draft SAP with regard to WCPZ. Further, the DEIR already includes a reasonable range of alternatives as required by CEQA, so the author's request for an additional alternative is unfounded.

As addressed in the DEIR, the undeveloped areas immediately surrounding the site to the east and west comprise ruderal habitat with scattered shrubs. Given the lack of native habitat on site and previous development and disturbance of the site, from a biological perspective and as detailed in the DEIR, the property provides poor dispersal habitat for gnatcatchers. As stated in the DEIR, only 0.85 acres of the project site are located within the 100-foot buffer contemplated by the draft SAP, as the remainder is located off site. As a project design feature, the project includes revegetation within 0.85 acres of the 100-foot buffer within the project boundary. This project feature will improve overall habitat value by adding native habitat to that 0.85-acre area on site that is within the 100-foot buffer and currently does not support suitable habitat for gnatcatcher. Providing that habitat immediately adjacent to the remainder of the 100-foot buffer area that is intended to be used as a protection buffer is consistent with the draft SAP as it provides the contemplated habitat/species protections without impacting the development potential of a project site that has been used for decades as an industrial project and zoned accordingly. Therefore, contrary to the comment, the project will have less than significant impacts with the DEIR mitigation as it relates to biological resources

- A4-13 The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the DEIR, and no further response is required.
- A4-14 The comment is the literature cited section of the comment letter. The comment does not raise any specific environmental issues related to the adequacy of the DEIR, and no further response is required.

- A4-15 This comment and the comments that follow in A4-16 through A4-24 provide the author's recommendation for additional mitigation measures. The comment fails to recognize that the DEIR demonstrates that, with the project design features and the mitigation identified in the Final EIR, the project will have a less than significant impact. Therefore, no further mitigation measures are necessary or appropriate. Further, the requested measure states that all project construction within 500 feet of the riparian wetland in the San Luis Rey shall occur outside of the least Bell's vireo, southwestern willow flycatcher, and light-footed Ridgeway's rail nesting seasons (collectively March 15–September 15). In response, MM-BIO-1 includes the following requirements:
 - 1. A one-time nesting bird survey within the limits of grading and a 500-foot buffer from the proposed project impact area during the breeding season (February 1 through September 15).
 - 2. If present within this survey area, active nests will be flagged and mapped on a figure with buffers established around them (250-foot buffer for passerines and 500-foot buffer for raptors, at the biologist's discretion depending on the species and the location of the nest), and no work would occur in that buffer until the nest is no longer occupied.
 - 3. 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.

Since the proposed project does not remove any habitat supporting least Bell's vireo, southwestern willow flycatcher, and light-footed Ridgeway's rail, MM-BIO-1 will prevent indirect significant adverse impacts to these species if the nesting described occurs within 500 feet of construction activities. No further mitigation measures are required.

- A4-16 This comment argues for a new mitigation measure that states that if California gnatcatchers are found on the parcel adjacent to the east of the project site, then all project construction within 500 feet of gnatcatcher habitat will occur outside of the gnatcatcher nesting season (February 15–August 31). In response, there is no gnatcatcher habitat within 500 feet east of the project site, as the area is all disturbed habitat. Further, as explained in Response to Comment A4-15, MM-BIO-1 includes nesting bird surveys within 500 feet of the proposed project impact area. If present within this survey area, which would include the property to the east of the project site, active nests will have buffers established around them and no work would occur in that buffer until the nest is no longer occupied. Since the proposed project does not remove any habitat supporting coastal California gnatcatcher, MM-BIO-1 will prevent indirect impacts to these species if the nesting described occurs within 500 feet of construction activities. No further mitigation measures are required.
- A4-17 This comment argues for a mitigation measure that addresses permanent lighting and requires a final lighting plan be submitted to the USFWS within 6 days of initiating project impacts. In response, as stated in Section 4.3.4 of the DEIR and as required by law, permanent project lighting must be directed downward onto the project site and away from the San Luis Rey River. The buildings and parking areas would include lighting designed to minimize light pollution and preserve dark skies while enhancing safety, security, and functionality as required by applicable law. Further, MM-BIO-2 already requires lighting be directed away from open space and shielded. The City can provide USFWS with the final lighting plan prior to project construction as a condition of approval, but such a measure is not required under CEQA or otherwise. No further mitigation measures are required.

- A4-18 This comment argues for a mitigation measure that states that project construction will occur during daylight hours. In response, as described in Section 3.2 of the DEIR, construction is proposed to occur Monday through Saturday, between 7:00 a.m. and 7:00 p.m., to comply with Section 6.25 of the City's Code of Ordinances. Any nighttime lighting will be limited to the duration needed if construction were to occur in the evening. As a matter of law, all lighting must comply with Chapter 39 of the City Municipal Code (light pollution ordinance) and will be fully shielded to prevent trespass into adjacent areas, directed downward and away of the San Luis Rey River, and designed to minimize light pollution to the surrounding open space and preserve dark skies. Additionally, a solid perimeter wall and landscape buffer proposed by the project would also limit the potential for any operational light intrusion into the San Luis Rey River. Thus, substantial evidence supports the Final EIR's conclusions that the project would have less than significant impacts as it relates to artificial lighting associated with the proposed project. No further mitigation measures are required.
- A4-19 This comment argues for a mitigation measure that includes a variety of measures the author contends will reduce indirect impacts on wildlife. In response, MM-BIO-2 already includes the recommended avoidance measures based on the proposed project activities including the following:
 - 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 animalproof 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.

No further mitigation measures are required.

- A4-20 This comment argues for a mitigation measure that provides for actions related to on-site trash. In response, the following language will be added to the end of MM-BIO-4: "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."
- A4-21 This comment argues for a mitigation measure to prepare a detailed protocol for approval by the USFWS for the perpetual control of brown-headed cowbirds in the adjacent San Luis Rey River. In response, as previously stated in Response to Comment A4-8, microhabitat cover is an important habitat feature that influences incidence of brown-headed cowbird parasitism of vireo nests, with more cover near a nest reducing the chances that a cowbird will observe vireo nesting activity and subsequently parasitize a nest (Sharp and Kus 2010). Removal of riparian habitat reduces the amount of available habitat utilized by vireos or may reduce the amount of dense riparian cover available for hiding nests, which increases the risks of nest parasitism. Since the project proposes no removal of riparian habitat, the proposed project is not expected to have an adverse CEQA impact on the chances of cowbird parasitism of least Bell's vireo nests. The project would not result in removal of riparian vegetation; therefore, it would not increase the risk for brown-headed cowbirds.
- A4-22 This comment argues for a mitigation measure that provides language to ensure that project landscaping does not include non-native invasive plant species. The mitigation measure would also include the stipulation that the applicant submit a draft list of species to be included in the landscaping to the USFWS at least 45 working days prior to initiating project landscaping and a final list of species within 30 days of receiving concurrence on the draft list of species if any changes are necessary. In response, MM-BIO-4 includes a measure requiring the landscape plans to exclude non-native, invasive plant species as included on the most recent version of the California Invasive Plant Council Inventory for the project region. Further, the conceptual landscape plan that will be considered for approval by the City decision makers as part of the project approvals does not propose any non-native invasive plant species.
- A4-23 This comment argues for a mitigation measure that provides language to require inspection of all planting stock brought onto the project site for landscaping or habitat creation, restoration, and enhancement be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas. In response, please see MM-BIO-4 in Section 4.3 of the EIR.
- A4-24 This comment argues for a mitigation measure that defines the location of a 100-foot biological buffer and requires that all areas within the 100-foot buffer be restored to coastal sage scrub according to a plan approved by the USFWS. In response, Section 3.2 of the project description in the EIR describes

how the project has been designed to maintain a 100-foot buffer (50-foot biological buffer, plus a 50-foot planning buffer) from the edge of the San Luis Rey River riparian habitat as designated in the City of Oceanside SAP. This buffer is located primarily off site along the northern edge of the property, but the project as proposed will restore a 0.85-acre portion of the project site in order to achieve the full 100-foot width of the buffer. Although the San Luis Rey River Trail and embankment approved by the City and the wildlife agencies already run through the buffer area and, as a practical matter, form a hard boundary between the project site and the river habitat areas, the proposed project structures and parking/circulation areas have been designed and located to specifically avoid the biological and planning buffers. Again, the small portion of the 100-foot-wide buffer area located on the project site would be replanted with native coastal species. Thus, no further mitigation is required as the DEIR already demonstrates that the project as proposed with the existing mitigation would have less than significant impacts.

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Comment Letter 01



Buena Vista Audubon Society PO Box 480 Oceanside, CA 92049-0480

December 30, 2023

Mr. Rob Dmohowski Development Services Department 300 North Coast Highway Oceanside, CA 92054

Sent by email: RDmohowski@oceansideca.org

SUBJECT: Comments on Eddy Jones Warehouse Draft EIR Dear Rob Thank you for the opportunity to comment on the DEIR for Eddy Jones warehouse project on behalf of the Buena Vista Audubon Society. The project's warehouse building and parking 01-1 areas occupy almost all of the 32-acre site and due to the proximity to the San Luis Rey River hardline wildlife reserve, the project could have significant biological impacts. Although a 100ft. buffer from the river is provided, there are indirect impacts from a development of this density that could reduce the quality of the adjacent wildlife habitat and the sustainability of endangered species and other wildlife. The following are potential impacts that, if not mitigated, will have significant environmental impacts. Window strikes are a leading cause of death in migratory birds, resulting in an estimated 1 billion bird deaths per year. This threat is not analyzed or addressed in the DEIR. Because 01-2 of the project's location along a major wildlife preserve, construction should follow the State of California Green Building Standards Code, Section A5.107, which provides guidance to reduce window collisions. · Because of the natural spread of ornamental plant seeds and other propagules from this property to the adjacent reserve, onsite landscaping should prioritize native plants. This would support native pollinators and birds that move out from the reserve into the surrounding area. Light spillover from the buildings, 24 hr. truck traffic and the large number of truck bays on the north side of the building near the preserve could disrupt nocturnal wildlife activity. This impact was not analyzed in the DEIR. How will the project comply with the MHCP lighting guidelines that are more 01-4 restrictive than City ordinances for land adjacent to natural habitat. In addition to reducing lighting,

shielding light fixtures and using motion detector lighting, mitigation could include limitations on nighttime use of driveways, parking areas and truck bays on the north side of the building.

| Due to the location of the property within a migratory bird flyway and the importance of the river for both resident and migrating birds, the project could have impacts on these migratory birds. The DEIR needs to analyze longterm impacts on the migratory bird population. | 01-5 |
|---|------|
| • The parking areas and building together occupy most of the site and therefore they create a very large impervious surface, with excess stormwater draining to the river. Reducing parking (and bays) on the north side of the site would have a number of benefits, including allowing precipitation to percolate into the soil. It appears the parking lot is larger than needed. Please provide a complete analysis of parking demand and reduce the supply to the minimum required. Use that reduction to decrease the amount of impervious cover and improve these areas by restoring native habitat. | 01-6 |
| • Heavy duty trucks with their use of diesel fuel are of particular concern because of the additional GHG, air quality, noise and other impacts associated with their use. Birds and other wildlife are impacted by noise when identifying suitable territories and nesting sites. Noise from the project could reduce their full use of the adjacent reserve. It appears that the Australian noise study model was for passenger vehicles and not heavy duty trucks. Please clarify assumptions about the vehicle mix and how consistent it is with the model that was used. Indicate how noise impacts on wildlife will be mitigated. | 01-7 |
| The onsite use of equipment during construction and on an ongoing basis could exceed GHG emissions if energy is derived from fossil fuels. These include vehicles/trucks, as well as construction equipment, and landscaping tools (lawn mowers, weed-wackers). The use of electrified energy would reduce pollution and would more likely be in compliance with the Climate Action Plan (CAP). The DEIR should analyze these impacts and compliance with the CAP. | 01-8 |
| The potential impacts described above need to be mitigated by changes to the project design, specific conditions of approval, and/or provisions for ongoing monitoring, in order to reduce biological impacts to below the level of significance. Thank you for considering our views on this matter. | |
| | 01-9 |
| Joan Herskowitz | |
| Conservation Committee | |
| Buena Vista Audubon Society | 1 |

Page 2 of 2 in Comment Letter 01

Response to Comment Letter O1

Buena Vista Audubon Society
Joan Herskowitz
November 30, 2023

- O1-1 This is an introductory comment. The comment offers a general opinion concerning the project's potential indirect biological resource impacts. The DEIR adequately addressed the potentially significant direct and indirect biological resource impacts of the project in Section 4.3 and the BTR (Appendix C to the EIR) and demonstrates that project impacts would be less than significant with mitigation. The responses to comments that follow address the specific arguments asserted by the commenter.
- 01-2 The comment refers to window strikes as being a leading cause of death in migratory birds. It recommends construction follow the State of California Green Building Standards Code, Section A5.107, which provides guidance to reduce window collisions. In response, the State of California Green Building Standards Code, Appendix A5, Nonresidential Voluntary Measures, are not mandatory unless adopted by a city or county. Measures outlined under A5.107 are not a requirement. Numerous studies have documented extensive avian collision mortality associated with buildings and similar structures, including smokestacks and monuments, and typically these fatalities are a result of collisions with tall buildings or with windows located in the structure (Erickson et al. 2005). These studies provide information that can be used as a basis for evaluating potential effects of bird collisions from new development. The number of bird collisions with buildings per year is estimated to comprise over 50% of total annual bird mortality (Erickson et al. 2005). Tall structures (greater than 400 feet in height) appear to be especially susceptible to bird strikes. Daytime collisions or "strikes" occur with both tall buildings and low structures, including residential homes. In general, lower buildings are less likely to cause fatal bird strikes than taller buildings, but there is little specific research that establishes specific bird collision incidents at varied building heights to validate this assumption (Erickson et al. 2005). The daytime strikes at tall buildings can occur from daytime migrants or local residents striking reflective glass, because birds cannot interpret that the images observed in glass are reflections and thus fly into windows that they think are trees or sky.

Under the City's Limited Industrial (IL) zone, the maximum building height allowed is 80 feet. However, the project proposes a building height of 45 feet, which meets the Oceanside Municipal Airport's 7:1 transitional surface. The project site, although adjacent to the San Luis Rey River corridor, is also adjacent to the Oceanside Municipal Airport to the south and other existing industrial uses. Additionally, as shown in Figures 4.1-1 through 4.1-4 of the DEIR, windows proposed for the building are minimal in comparison to the building scale. Windows are proposed at the entryways, and small windows would be placed above the truck bays. There are no floor to ceiling windows proposed around the building facades. The potential impacts of bird strikes on the proposed building due to reflections in glass is not determined to be significant based on building design, height, and location.

O1-3 The comment speculates about the potential spread of ornamental plant seeds to the adjacent reserve (lands north of the San Luis Rey River) and encourages the use of native plants for on-site landscaping that would encourage native species use.

In response, a description of the project's proposed landscaping plan is described in the DEIR in Chapter 3, Project Description. As noted on page 3-4, the project proposes to maintain a buffer area adjacent to

the San Luis Rey River Trail and replant the area with native plants. To address the potential for any nonnative plants to spread to areas beyond the project site, the DEIR requires MM-BIO-4 (Invasive Species Prohibition) to ensure the project's landscaping plan would not include any invasive plant species or insect pests. The mitigation also requires that the final landscape plans shall be reviewed by 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. Thus, the asserted concern about significant adverse indirect impacts is unfounded, and no further action is required.

O1-4 This comment refers to the potential for light spillover to occur along the northern boundary of the project site and disrupt nocturnal wildlife activity near the San Luis Rey River. Additionally, the comment questions how the project's lighting design would comply with the North County Multiple Habitat Conservation Program (MHCP) guidelines and states that the DEIR does not analyze light impacts.

In response, the project site is located in an urbanized area with many existing sources of day and nighttime lighting. As stated in the DEIR in Section 4.3, Biological Resources, the establishment of the 100-foot buffer between the proposed project site and the San Luis Rey River, consistent with the City's Draft SAP, would separate sensitive wildlife habitats from project activities (DEIR, p. 4.3-17). The DEIR evaluates potential impacts to wildlife in Section 4.3 on page 4.3-20. As disclosed, project lighting would be fully shielded and directed downward on to the project site and away from the San Luis Rey River corridor and designed to minimize light pollution and preserve dark skies, consistent with Chapter 39 of the City's Municipal Code and other regulatory requirements. In addition, MM-BIO-2 (Biological Monitoring), item (g) states that the biological monitor shall periodically monitor the construction site. after grading is completed and during the construction phase, to ensure artificial security light fixtures are directed away from open space areas and are shielded. The project also includes a perimeter wall and landscape buffer along the northern boundary of the project site that would further reduce any potential for significant indirect impacts due to light intrusion into the San Luis Rey River area to a less than significant level. The project site is not located within a Biological Core and Linkage Area identified in the MHCP or SAP since it is located outside the San Luis Rey River. Project lighting would be complaint with both the City's SAP and Municipal Code; therefore, no further action is required. In addition, although not required to mitigate impacts, the project site plan has been modified as part of the final entitlement package to City staff to reduce the number of truck bays from 114 to 57, which in turn would reduce the overall amount of potential light intrusion coming from the bays. Please see Thematic Response 6.

O1-5 The comment states the project needs to analyze long-term impacts to migratory birds as the project site is within a migratory bird flyway and offers an opinion about impacts to resident and migratory birds. In response, the project site has previously been developed with an approximately 172,300-square-foot industrial manufacturing building and associated improvements and consists of disturbed habitat and urban/developed land. The previous development of the site prevented the project site from serving as part of a wildlife corridor or, as asserted by the comment, a migratory bird flyway. As documented in the DEIR in Section 4.3.4, Impact Analysis, including page 4.3-19, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridor. For example, the project is consistent with the drat SAP's concept of a 100-foot buffer between the San Luis Rey River and urban development. Short-term indirect impacts due to project construction activities to migratory birds would be mitigated to less than significant through implementation of MM-BIO-1 (Nesting Bird Surveys) and

MM-BIO-2 (Biological Monitoring). The project would comply with the California Fish and Game Code and Migratory Bird Treaty Act to avoid impacts to nesting birds; therefore, no further action is required.

- The comment recommends reducing the parking and truck bays on the north side of the project site to reduce the amount of impervious area that the author asserts would create "excess stormwater draining to the river." In response, based on the City's parking requirements, the number of parking spaces required for the project is 587 passenger vehicle parking stalls. The project proposes 590 parking spaces for employee and visitor parking. Please refer to Thematic Response 6 for a detailed response regarding the reduction in truck bays from 114 to 57. Regarding stormwater drainage into the river, please refer to Section 4.9 of the DEIR, which analyzes project drainage during construction and operation of the project in detail, as well as required measures and design features to ensure no substantial impacts to water quality.
- O1-7 This comment offers a general opinion that the project could impact birds and other wildlife due to noise associated with heavy duty trucks and other industrial vehicles. The comment also requests clarification of the vehicle mix assumptions used in the DEIR and an explanation of how noise impacts on wildlife would be mitigated. Additionally, the comment expresses concern for the potential additional greenhouse gas (GHG) and air quality impacts due to the use of heavy duty trucks. In response, please refer to Response to Comment O3-12, which addresses heavy duty trucks.

The DEIR thoroughly analyzed the project's GHG, air quality, and noise impacts. The DEIR addresses the project's potential to impact air quality in Section 4.2, Air Quality. The analysis acknowledges there would be a potentially significant project impact associated with an increase in volatile organic compounds (VOCs) during short-term construction activities that exceed the air district's threshold (see Table 4.2-6 on p. 4.2-19). However, the DEIR demonstrates that impacts would be reduced to less than significant with MM-AQ-1. The project would not exceed any of the other air district thresholds during construction or operation, nor would it have any other potentially significant impacts related to air quality. A detailed GHG analysis is presented in Section 4.7 of the DEIR, which determined that the proposed project is consistent with the Climate Action Plan (CAP) Consistency Checklist adopted by the City to ensure that the GHG emission targets identified in the CAP are achieved. The CAP determined that projects consistent with the CAP checklist would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

A detailed noise analysis is presented in Section 4.11 of the DEIR, based on a Noise Technical Report that was prepared for the project (DEIR Appendix H). The breakdown of vehicles accessing the project site is provided in Table 8 in Appendix I, Local Transportation Study, of the DEIR. The noise modeling and methods used for evaluating construction activities, vehicles (passenger and industrial), equipment, and long-term operation at the project site are discussed in Appendix H to the EIR. Estimates of passenger parking spaces, truck trailer parking stalls, and truck terminals are also presented throughout Section 4.14 of the DEIR. The noise experts used that information to determine whether the project's construction and operations would have potentially significant noise impacts. The study referred to by the commenter, Prediction of Parking Area Noise in Australian Conditions (Nicol and Johnson 2011), was used in the assessment of the project's parking lot activity to provide an analysis of passenger vehicle related noise, and was therefore used accurately. The analysis determined that noise due to project construction and long-term operation would be less than significant, and no mitigation measures are required. However, as discussed in DEIR Section 4.3, MM-BIO-1 and MM-BIO-2, provided in Section 4.3.5, would ensure that all potentially significant noise

impacts associated with the project stay within the designated development footprint and requires nesting bird surveys and avoidance buffers to ensure that project construction noise does not disrupt bird nesting. The project would comply with the City's allowable hours of construction and would also conduct periodic monitoring for dust control as required under MM-BIO-2; therefore, the DEIR correctly concluded that project impacts would be less than significant, and no further action is required.

O1-8 The comment speculates that the on-site use of equipment during construction and operation could exceed GHG emissions and suggests the use of electrified equipment would be "more in" compliance with the City's CAP.

In response, please see Response to Comment A3-14. As discussed in the DEIR in Section 4.7, Greenhouse Gases, the City's CAP was used to evaluate the project's potential for significant GHG impacts in accordance with CEQA Guidelines Section 15183.5. The formally adopted CAP set a significance threshold that aligns with the emissions reduction targets outlined in the CAP (3.5 MT CO2e per service population). As authorized by the CAP, a project can demonstrate CAP consistency through a project-specific GHG emissions analysis or by demonstrating consistency with the adopted CAP Checklist. Projects greater than 900 MT CO2e and greater than 3.5 MT CO2e per service population would be required to show consistency with the City's CAP Checklist. The project demonstrates consistency with the City's CAP Checklist as documented in Table 4.7-7, starting on page 4.7-25, and impacts were determined to be less than significant. Therefore, no further action is required.

O1-9 The comment includes concluding remarks. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.



San Diego County Archaeological Society, Inc.

Environmental Review Committee

3 December 2023

To:

Mr. Rob Dmohowski, Principal Planner

Planning Division City of Oceanside 300 North Coast Highway Oceanside, California 92054

Subject:

Draft Environmental Impact Report

Eddie Jones Warehouse, Manufacturing and Distribution Facility Project Development Plan D22-00001, Conditional Use Permit CUP22-00001, and

Variance V22-00001

Dear Mr. Dmohowski:

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

Based on the information contained in the DEIR and its Appendices D-1 and D-2, we agree the existing structures do not qualify as historic and eligible for the California Register.

We also agree with the archaeological and Tribal monitoring program as defined in the DEIR.

Thank you for the opportunity to review the environmental documents prepared for this project.

Sincerely,

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

cc:

Dudek

SDCAS President

File

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

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Response to Comment Letter O2

San Diego County Archaeological Society Inc. James W. Royle, Jr., Chairperson December 3, 2023

The comment states that the San Diego County Archaeological Society (SDCAS) has reviewed the DEIR and agrees that the existing structures do not qualify as historic and eligible for the California Register of Historic Resources. In addition, the comment also states that the SDCAS agrees with the archaeological and tribal monitoring program as defined in the DEIR and agrees with the historic/built environment findings in the DEIR. The comment does not raise an issue related to the adequacy of the analysis in the DEIR. Therefore, no revisions are required for the Final EIR, and no further response is provided.

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Comment Letter 03



December 4,2023

Rob Dmohowski, Principal Planner City of Oceanside Sent via Email

Subject: Comments on DEIR Eddie Jones Warehouse

Dear Mr. Dmohowski:

Our mission is to preserve, protect and enhance the natural resources of coastal north San Diego County. We recognize the importance of balanced land use planning in order to achieve a sustainable community. This project is in an industrial area, is consistent with existing land use, and is on a previously developed site. Recent economic analysis that resulted in the EDE of the General Plan specifically identified the need for increased land to be allocated to industrial uses. This proposed project is consistent with this previous work. However, the intensity of use, and location adjacent to the sensitive San Luis Rey River corridor warrant further consideration to ensure all of the potential adverse impacts have been properly identified and mitigated.

03-1

The DEIR has done a better than average job of assessing these potential impacts. However, there are a number of areas that still need further evaluation before this project is approved. The following comments identify those remaining issues of concern:

Biological Resources

- MHCP Edge Effect conditions

The DEIR and BTR have not addressed the potential for indirect impacts from the edge effect of development like this adjacent to preserved lands. Light, trash, invasive plants, cats, etc. all can have adverse impacts on the adjacent lands. The MHCP specifically identified the potential edge effects of projects next to sensitive habitat. Not all of the issues apply to every project. But every project adjacent to sensitive habitat needs to consider all of these and determine if they are relevant, and if so, ensure they have been addressed. The DEIR does not even mention the concept of edge effects. We appreciate that many of these have been addressed in other sections of the DEIR, but that is not the comprehensive review that is needed to insure there are no adverse indirect impacts on this adjacent sensitive habitat.

03-2

5020 Nighthawk Way – Oceanside, CA 92056 www.preservecalavera.org Nonprofit 501(c)3 ID#33-0955504 For example, one of those issues is cat predation. Having cat pets that are allowed outdoors or leaving out food for feral cats has a huge impact on adjacent birds. That is not an issue that is addressed through project design. It can be addressed through things like conditions associated with the CUP or in project CC & R's. The key is to ensure that all of these potential impacts have been addressed and that there is an enforcement mechanism. Failure to do so leaves this a potential unmitigated indirect impact from this project. Attached is a table of those potential MHCP edge effects conditions. - Light spillover from trucks This edge effect is of particular concern because of the potential for 24hr /day truck traffic and the large number of truck bays on the north side of the building. Intermittent lights shining into 03-5 the preserve areas at night can be disruptive of normal nocturnal wildlife activity. This is a potential adverse impact that was not evaluated in the BTR. Part of the mitigation should include limiting use of both car parking and use of the truck bays on the north side of the site between about 10 pm and 6 am. - Potential impact on migratory birds The project site is within a migratory bird flyway and adjacent to the river corridor that 03-6 supports a wide range of both resident and migratory birds. This issue was raised repeatedly in public comments and has not been properly responded to. It should be considered a potential long term cumulative impact that has not been evaluated or mitigated. **Land Use** - Parking analysis 590 parking spaces are being provided for 499 permanent jobs and 590 workers. Since this is a 24 hr./day seven day/week operation not all employees would be on site at one time, Also, since the transportation mitigation measure for a Voluntary Employer Commute Program is supposed to reduce employee trips by 6.2 % even less parking should be required. There also is 03-7 no explanation for why the site needs 80 parking spaces for trucks and trailers in addition to the 114 loading bays. Since all bays are not occupied continuously the available bays should reduce the demand for at least some of that truck/trailer parking. We do not like to see any more of paradise paved to put up a parking lot than is actually required. Reducing parking (and bays) on the north side of the site would have a number of benefits. Please provide a complete analysis of parking demand and reduce the supply to the minimum required. Use that reduction in parking to reduce the amount of impervious cover and improve the buffer to the restored habitat on the slope. **Greenhouse Gasses (GHG)** - Tree replacement

Page 2 of 9 in Comment Letter 03

We appreciate that the project landscaping plan includes more than the minimum required number of trees with the potential to actually improve tree canopy cover. But we have identified numerous instances where the initial landscape plan met the requirements, but there 03-8 is no enforcement of the condition of approval to maintain and replace trees. Tree canopy Cont. cover is one of the actions in the CAP. That assumes long tree life that needs to be ensured through adequate monitoring and enforcement. Please discuss how that will occur and include in conditions in the CUP. - Reliance on CAP compliance to claim no significant impacts The city of Oceanside has failed to implement their CAP as planned as documented in the single 03-9 CAP annual report prepared to date. Since it has not been implemented in accordance with the plan it cannot be presumed to fully mitigate the impacts it is assumed have mitigated. This project, and every project in Oceanside, continues to have adverse cumulative impacts on GHG that have not been mitigated. - Limits on idling The DEIR states that truck idling will be limited to 5 minutes, yet 15 min of idling was used for the AQ modeling to provide a more conservative estimate of the impacts. The concern is to 03-10 really limit the idling to the allowed limit. Please provide more discussion of the actions that will be taken to reduce/control idling and ensure this is not resulting in additional impacts that have not been addressed. Furthermore, since one of the reasons a CUP is required is because of the number of truck bays. Actions like this that are associated with that huge increase in truck traffic need to be specifically addressed as a condition in the CUP. VMT/ADT Analysis - Mix of heavy and light /medium duty trucks Heavy duty trucks with their use of diesel fuel are of particular concern because of the additional GHG, air quality, noise and other impacts associated with their use. The DEIR has assumed that less than 25% of the truck traffic to the site will be from heavy duty trucks. This 03-12 assumption has a huge impact on the computations for ADT and VMT. Pages 40- 43 of the VMT analysis draft of 4/20/22 state that "the number of doors at a HCW is a potential independent variable. Future data submissions should include that number." There is no indication that this correction was made. It also distinguishes computations for Warehouse and Manufacturing ADT. Manufacturing generates only .03 ADT/1000 GFA per weekday, whereas High Cube Warehouse uses generate 1.4-ADT/100 GFA - over 40 times greater. Furthermore, the DEIR says the average heavy duty truck trip distance is 40 miles., compared to only 16.6 for other vehicles. The assumption about truck mix also has a huge impact on the VMT analysis. Please provide further clarification of the key assumptions used to estimate the

Page 3 of 9 in Comment Letter 03

| mix of types of truck traffic, revise the associated computations for consistency, and ensure that factors like the number of truck bays have been correctly accounted for. | 03-13 Cont. |
|---|----------------|
| As described in the DEIR it appears that the impacts from trucks, particularly heavy y duty trucks have been underestimated. This calls to question all of the related measures that are critical to validate that the project has no adverse impacts to GHG. | 03-14 |
| <u>Noise</u> | Ī |
| - Location and amount of truck noise on the site | 02.45 |
| It sounds like the Australian noise study model was for passenger vehicles and not heavy-duty trucks. Please clarify assumptions about the vehicle mix and how consistent it is with the model that was used. | 03-15 |
| - Accuracy of background noise analysis | Ī |
| Noise monitoring location ST2 is the closest to the preserve. The text notes this was a very high reading because there was a plane landing at the time of the measurement. Of course it would be expected that there would be increased noise associated with airport activities. How frequent and for what duration is this background noise and how does that impact the noise analysis? | 03-16 |
| - Noise impact on public trail | Ī |
| The noise analysis should particularly consider the impact on the users of the SLR Trail adjacent to the project. | 03-17 |
| - Impact on sensitive species | Ī |
| The noise profile indicates closest receptor is 1095'. But there was a high incidence of Least Bell's Vireo in the preserve near the project boundary, which is much closer than 1095'. The noise analysis should consider potential impacts on this and other sensitive species. | 03-18 |
| Wildfire | Ţ |
| - Impact on emergency evacuation time | |
| We are very disappointed that the analysis failed to include an assessment of the impacts on evacuation times, in spite of this being identified as a major community concern and the developer's representative specifically committing to do such a study. While there has not been an immediate wildland fire adjacent to the project, these are common along the San Luis Rey River corridor and this area remains a high risk for wildfire. Given the increased volume of traffic and the fact that there are only two roads for the residential neighborhoods to the north to use for evacuations this is a valid concern. Such a study should address this both for indirect | 03-19 |

Page 4 of 9 in Comment Letter 03

impacts from the project and cumulative impacts considering the anticipated increase in traffic that will occur over time.

Sincerely,

Diane Nygaard, President Preserve Calavera 760-724-3887

Att. : MHCP Edge Effect Conditions

03-19 Cont.

03-20

Page 5 of 9 in Comment Letter 03

MHCP Edge Effect Conditions

Available Management Actions for groups of vegetation communities and wildlife corridors within the planning area of Volume III: MHCP Biological Monitoring and Management Plan- prepared for Multiple Habitat Conservation Program, Administered by SANDAG

| Available Management Action | Vegetation C | | | | | |
|---|--|--|-------------------------------|--|------------------------------------|--|
| | Coastal Sage Scrub, Chaparral, and Grassland (Section 3.1.2) | Riparian Vegetation Communities (Section 3.2.2) | Lagoons (Section 3.3.2) | Oak Woodlands (Section 3.4.2) | Vernal Pools (Section 3.5.2) | Wildlife Corridors (Section 4.1.2) |
| *Control public access points | √ | √ | √ | √ | √ | |
| Ensure that hiking trails do not interfere with wildlife movement. | | | | | | √ |
| *Establish fencing and signs, and close or redirect trails to protect habitat or species populations from trampling or other adverse, direct impacts. | √ | √ | V | √ | √ | |
| Establish boardwalks to protect habitat from trampling. | | | √ | | | |
| Remove invasive exotic plant species | √ | √ | √ | √ | | |
| *Remove or control nonnative animal species (e.g., cowbirds, feral cats) | √ | V | √ | √ | | |
| *Educate homeowners about keeping pets indoors at night and keeping pet food indoors or in a secured location | √ | √ | √ | √ | | |
| Work with pet stores to increase pet owner education, and develop a "take- back" program for unwanted non-native turtle pets. | | √ | | | | |
| Develop a public education program to inform the public about the conservation value and fragility of vernal pool ecosystems. | | | | | √ | |
| Establish a community education program to inform residents about the need to protect wildlife corridors. | | | | | | √ |
| *Implement landscaping restrictions adjacent to the preserve, to prevent invasive exotic species from invading the preserve | √ | | | | | |
| Enhance habitat to provide pollinator habitat or breeding areas for wildlife | √ | | | √ | | |
| Enforce seasonal restrictions on human activity during the breeding season for specific species. | | | √ | | | |
| Restore habitat to reverse the effects of habitat disturbance and improve habitat quality for covered species where natural regeneration processes are expected to be unacceptably slow or delayed. | √ | | | V | √ | |

03-20 Cont.

1

Page 6 of 9 in Comment Letter 03

MHCP Edge Effect Conditions- page 2

| Remove invasive exotic plant species, by hand, to protect native habitats, plant populations, and wildlife values. Weed removal should be conducted only by individuals trained to distinguish true weeds from vernal pool plants. | | | | √ | |
|---|---|----------|---|---|--|
| Restore saltmarsh habitat and adjacent uplands. | | V | | | |
| Provide shoreline stabilization to control erosion. | | V | | | |
| Create or enhance protected beach areas, tidal creeks, or islands to provide breeding areas for covered bird species. | | √ | | | |
| Remove trash, including water-borne debris in breeding areas, during the non- breeding season. | | √ | | | |
| Dredge the mouth of the lagoon to keep it open. | | √ | | | |
| Develop and implement a fire management plan that identifies appropriate fire suppression practices for the preserve and prioritizes areas for fire suppression and, where appropriate, for prescribed burns. | √ | | √ | √ | |
| Evaluate the need for prescribed burns (or alternative, mechanized methods) to revitalize senescent stands of habitat or promote germination of fire- adapted covered plant species | √ | | | | |
| Test the efficacy of prescribed burns to eliminate nonnative annual grasses in open oak woodlands. | | | V | | |
| Consider enhancement of cactus wren habitat and narrow endemic plant populations where conserved population numbers become so low due to human-or environmentally-induced factors as to threaten the continued viability of the population, and where suitable habitat and other factors necessary for survival still exist | √ | | | | |
| Consider plant population reintroductions in areas where species populations have been inadvertently extirpated, or into historical but unoccupied habitat where overall number of populations is less than five | | | | | |
| Prevent human disturbance within 300 ft of Cooper's hawk nests. | | | √ | | |
| Establish nest boxes for western bluebirds, and install devices that exclude starlings from nest boxes and natural cavities. | | | √ | | |

03-20 Cont.

2

Page 7 of 9 in Comment Letter O3

MHCP Edge Effect Conditions-page 3

| 'Control water sources and urban runoff within the preserve through an educational program that informs residents of the detrimental effects of certain types of landscaping plants and watering regimes on adjacent biological resources and offers literature on alternatives such as xerophytic plantings and drip irrigation. Additional recommendations may be appropriate for new developments, such as requiring the use of French drains to minimize seepage on slopes, diverting runoff away from the preserve, and restricting irrigation and certain types of plantings adjacent to the preserve. | V | V | √ | | V | |
|--|---|----------|----------|----------|----------|---|
| *Redirect urban runoff away from the preserve to minimize moist soils that provide habitat for Argentine ants. | √ | | | √ | √ | |
| Restrict equestrian and mountain bike activity to existing maintained roads. Close roads to equestrians and mountain bikes for 3 days following rainfall events greater than 1 inch. | √ | V | V | V | | |
| Prohibit equestrian and mountain bike activity and dogs within the watershed. | | | | | √ | |
| Monitor the effects of equestrian use in corridors, and prohibit equestrian use where necessary. | | | | | | V |
| Identify erosion problems that have the potential to impact covered plant populations, and install reinforcements to slow erosion | V | | | | | |
| Install water bars across dirt roads to control erosion. | √ | √ | | √ | | |
| Prohibit unauthorized motor vehicles. | √ | √ | | √ | √ | |
| Prohibit feeding of wildlife. (Vernal Pools also prohibits collecting of wildlife) | √ | √ | √ | V | √ | |
| Patrol for illegal uses in the preserve | √ | √ | √ | √ | | |
| *Direct all lighting sources away from the preserve, and restrict night-time activities in the preserve. | √ | √ | √ | √ | V | |
| *Restrict construction noise and other noises >60 dB during the bird breeding season | √ | V | √ | V | | |
| Implement bank stabilization and erosion control measures only to protect key habitats or populations of covered species. | | V | | | | |
| Remove bank stabilization measures and erosion control measures to promote a natural dynamic succession of riparian habitats. | | √ | | | | |
| Plant Carex spissa in suitable areas as habitat for Harbison's dun skipper larvae. | | √ | | | | |

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3

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| Manipulate stands of riparian vegetation to provide structural diversity for covered bird species or breeding areas for covered wildlife species. | √ | | | | |
|--|----------|---|---|---|---|
| Conduct maintenance activities during the dry season, using care to avoid disturbance of the soil surface which may contain fairy shrimp cysts. | | | | √ | |
| *Tag oak trees that are infested with borer beetles and monitor the beetles and health of trees. Work with the state Food and Agriculture Department and the U.S. Department of Agriculture to determine possible methods of biological control for the beetles. | | | V | | |
| Work with upstream water management to maintain a flow regime amount and timing that is as close as possible to the natural flow regime. | √ | | | | |
| Arrange for regular trash pickup. | √ | √ | √ | √ | √ |
| Maintain appropriate upland buffer zones. | √ | | | | |
| Provide additional vegetative cover on either end of bridges and culverts. | | | | | √ |
| Monitor and control the deposition of sediment under bridges and in culverts, which may decrease the height of the structure relative to ground surface. Remove sediment as necessary to maintain clearance. | | | | | √ |
| *Erect fencing along the edge of housing developments and along roads to discourage entrance by dogs, cats, bikes, and people into the habitat area and to discourage wildlife from crossing roads where there are alternative undercrossings. | | | | | √ |
| *Extend the wing fencing on either side of tunnels and culverts, where necessary to keep wildlife off the roads. | | | | | V |
| *Remove debris in the creeks and adjacent to the creeks to decrease flooding of the corridors. Control the abundance of vegetation under the bridges to maintain passable areas for wildlife. | | | | | √ |
| Patrol corridors to enforce restrictions requiring dogs to be on leashes, to enforce legal recreational uses, and to ensure that immigrant traffic does not encroach into conserved habitat areas. | | | | | √ |
| Enforce dumping restrictions. | | | | | √ |
| Collect road-kill data to evaluate the effectiveness of undercrossings. | | | | | √ |

03-20 Cont.

4

MHCP Edge Effect Conditions- page 4

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Response to Comment Letter O3

Preserve Calavera – Coastal North San Diego County
Diane Nygaard, President
December 4, 2023

- O3-1 The comment provides information about Preserve Calavera. The comment provides an introduction to comments that follow. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- The comment states that the DEIR and BTR have not addressed edge effect impacts to preserved land areas adjacent to the project site. The comment further summarizes some conditions within the MHCP pertaining to edge effects and opines that all impacts have not been addressed and a more comprehensive review is needed. The comment is mistaken. As stated in the DEIR, the proposed project includes a 100-foot biological buffer from the adjacent San Luis Rey River. Consistent with the Subarea Area Plan (SAP), this buffer ensures that the project does not result in undesirable edge effects per Section 5.2.4 of the City's SAP. The revegetation and inclusion of the 100-foot biological buffer specifically addresses conditions and satisfies requirements within the MHCP related to edge effects, as well as compliance with applicable laws such as those related to noise generation and lighting, reducing any potential impacts to less than significant. Therefore, no further action is required. Nonetheless, in response to this and other comments, the project has agreed to incorporate additional project design features outlined in Response to Comment 05-29. These measures provide further evidence that the project's impacts would be less than significant.
- O3-3 The comment provides an example of an edge effect impact the author believes is potentially relevant to the project, specifically cat predation of adjacent birds. The project is an industrial project and will not house or leave food outside for feral cats. Thus, the offered example has no practical relevance to the project. No further response is required.
- The comment is a continuation of the argument that cats could constitute an edge effect of the project and that conditions of approval or CC&Rs are required to mitigate impacts. Again, industrial uses do not create the potential for edge effects related to domestic or feral cats. See also Response to Comment 05-29 for a discussion of edge effects measures from the list provided by the comment that the project has agreed to incorporate as project design features. Generally speaking, the BTR and DEIR identified potentially significant direct and/or indirect effects to special-status wildlife species and wildlife corridors/habitat linkages. DEIR Section 4.3.3 discloses the guidelines and criteria that were used to determine the significance of proposed project related impacts to biological resources, resulting in the development of mitigation measures, best management practices, and biological monitoring methods to bring potential impacts to less than significant. MM-BIO-1 through MM-BIO-4 of the DEIR provide detailed explanations of the methods that will be used to reduce those impacts; therefore, no further action is required.
- O3-5 The comment states that light spillover from trucks into the San Luis Rey River area will disrupt nocturnal wildlife activity, claiming this impact was not evaluated in the DEIR, and that operations on the north side of the site should be limited between 10:00 p.m. and 6:00 a.m. The potential impacts of project related artificial light are identified in Sections 6.3.1 and 6.3.4 of the BTR and DEIR Sections 4.1 and 4.3. Additionally, both the BTR and DEIR state that lighting will be designed to minimize light

pollution and preserve dark skies. For example, a 100-foot buffer exists between the project's development and the San Luis Rey River corridor. Consistent with applicable lighting regulations, outdoor lighting will be fully shielded and directed downward and away from the San Luis Rey River corridor. Additionally, the project would include a solid perimeter wall and a landscape buffer along the northern boundary of the project site. Thus, the comment's speculation about lighting impacts due to car parking and truck bays along the north side of the project lacks credibility. Therefore, no further action is required.

- This comment states the project site is within a migratory bird flyway that supports resident and migratory birds. The comment also claims that the impacts to migratory birds have not been addressed, evaluated, or mitigated for in the DEIR. To the contrary, the DEIR discloses that the project site has been previously developed, containing disturbed habitat and urban/developed land that provides little habitat and prevents the site from serving as a movement corridor. As stated in DEIR Section 4.3.4, Impact Analysis, no direct impacts to special-status wildlife species would occur and the project would not contribute to any cumulative sensitive-species impacts. Indirect impacts would be mitigated (DEIR Section 4.3.5, Mitigation Measures) to less than significant through implementation of MM-BIO-1 (Nesting Bird Surveys) and MM-BIO-2 (Biological Monitoring). The project will also include the 100-foot buffer, incorporate the other project design features and mitigation discussed elsewhere in these responses to comments, and comply with the California Fish and Game Code and Migratory Bird Treaty Act to avoid potentially significant impacts to resident and migratory birds; therefore, no further action is required.
- The comment suggests reducing the parking and truck bays on the project site and requests a complete analysis of parking demand. Parking space requirements are set by the City and are dependent on square footage and land use. The required number of parking spaces for the project is 587 passenger vehicle parking stalls. The project proposes 590 parking spaces for employee and visitor parking. Therefore, no further analysis is required nor is a reduction in the number of parking stalls. Nonetheless, in response to public comment, the project has reduced the number of truck bays to 57. Refer to Thematic Response 6 for a more detailed response regarding the reduction in truck bays. No revisions are required.
- The comment states that they appreciate that the project landscaping plan includes more than the minimum required number of trees but then claims there is no enforcement to maintain and replace trees. The comment does not specifically identify an issue about the adequacy of the DEIR, so no further response is required. Regardless, the comment fails to mention that City Zoning Code Section 3049 imposes Urban Forestry Program requirements on all administrative and discretionary approvals like the project. Relevant to the comment's erroneous assertion regarding maintenance and monitoring, Section 3049 provides as follows; "Projects 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." Therefore, no further action is required.
- O3-9 The comment states that reliance on Climate Action Plan (CAP) compliance cannot be assumed to fully mitigate impacts to greenhouse gas (GHG) emissions.

With the adoption of the CAP on May 8, 2019, the City of Oceanside committed to measures designed to reduce local GHG emissions in a manner consistent with the following:

- Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used to demonstrate that the City is aligned with state goals for reducing GHG emissions to a level considered less than cumulatively considerable.
- Meeting CEQA Requirements—CEQA requires impacts from GHG emissions to be reviewed for discretionary projects (such as proposed development projects). This CAP will serve as a Qualified GHG Reduction Strategy consistent with CEQA Guidelines. Environmental review will be simplified, and future development within Oceanside that is consistent with the guidance contained in the CAP would not substantially contribute to global climate change.

As discussed in the DEIR, the CAP Consistency Checklist is used to determine significance in accordance with CEQA Guidelines Section 15183.5; therefore, the DEIR appropriately analyzed the project for CAP consistency using the CAP Consistency Checklist and other relevant information to determine that the project would have less than significant impacts with respect to GHG emissions. No further response is necessary.

- The comment correctly states that the DEIR states that truck idling will be limited to 5 minutes and that 15 minutes of idling was used for the air quality modeling to provide a more conservative estimate of impact. As stated in the DEIR, the project truck idling would be limited to 5 minutes because of regulatory requirements, specifically CARB's adopted Airborne Toxic Control Measure (13 CCR 2485). Thus, as a matter of law, truck idling of more than 5 minutes is prohibited. For HRA modeling purposes, it was conservatively assumed that the trucks would idle for a total of 15 minutes: 5 minutes at the entrance, 5 minutes at the loading dock, and 5 minutes at the exit of the project site. Even with that conservative approach, the DEIR demonstrates that the project would have less than significant impacts with respect to HRA related topics. Further, that conservative modeling assumption does not (and cannot) change the fact that the project is required by regulation to not exceed 5 minutes of idling at a single location. Therefore, no further response is required.
- The comment states that the number of truck bays is one of the reasons a Conditional Use Permit (CUP) is required, and that truck traffic would result from this CUP and needs to be addressed as a condition of the CUP. Emissions from project operations, including the truck traffic, are addressed in the applicable DEIR sections including air quality, GHG, noise, and transportation. See DEIR Sections 4.2, 4.7, 4.11, and 4.14, respectively. Please see Thematic Response 6 regarding the reduction in truck bays as part of the final site plans for the project. The comment does not identify a CEQA rationale for imposing the unspecified condition requested in the comment. Therefore, no revisions are required, and no further response is necessary.
- O3-12 The comment expresses an opinion about truck trips and truck mix in relation to the calculation of average daily trips (ADT) and vehicle miles traveled (VMT). Substantial evidence supports the methodology used to calculate ADT and VMT for the project. The City of Oceanside Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (Traffic Guidelines) (City of Oceanside 2020) states on page 8:

The traffic consultant for the project applicant shall identify the number of trips generated by the project using SANDAG's "Not so Brief Guide of Vehicular Traffic

Generation Rates for San Diego Region (2002) trip generation rates. The trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual may be used with approval from the City Traffic Engineer. The most recent versions of the aforementioned documents should be used.

The City traffic engineer, relying on engineering judgement and based on the specifics of the project and the project area, reviewed and approved the use of the most recent ITE Trip Generation Manual (11th Edition), consistent with the Traffic Guidelines (City of Oceanside 2020). Therefore, the correct and most recent version of the ITE Trip Generation Manual was properly used to calculate the project trip generation based on the building's floor area.

The trip generation table correctly applied the high-cube warehouse trip rate of 1.4 ADT/1,000 square feet. The comment "Manufacturing generates only .03 ADT/1000 GFA per weekday" is specific to the number of truck trips generated during a weekday AM or PM peak hour, not the ADT. Therefore, the comment is misleading by comparing the daily (24-hour) car trip generation rate for high-cube warehouse against the AM or PM peak hour (not daily) truck trip generation rate for manufacturing (different than high-cube warehouse). The applied ITE trip rates are correct based on the latest and current ITE data. The reference of 1.4 ADT/1,000 square feet was correctly applied in the VMT trip generation table where high-cube warehouse uses 1.4 ADT/1,000 square feet.

ITE has different categories for high-cube warehouse (HCW) that include transload, short-term storage, cold storage, fulfillment center, and parcel cube. The project matches the transload and short-term storage uses and therefore the associated trip generation rates were applied in the analysis. The project would not have cold storage and would not be a fulfilment center or parcel hub.

The comment also quotes out of context a statement from the ITE about its own internal methodology that was referenced within the project's VMT analysis. The referenced statement from the ITE 11th Edition Trip Generation Manual reads, "The number of dock doors at a HCW is a potential independent variable. Future data submissions should include that information" (ITE 2021a). The ITE statement does not concern the project. ITE was addressing the potential for future data collection for ITE's next (12th) edition of the Trip Generation Manual. The statement reflected ITE's intent to obtain information about the number of dock doors when it collects additional trip data for purposes of preparation of the 12th Edition of the Trip Generation Manual. ITE's statement is an acknowledgment that it would be speculative to attribute different trip generation rates based on truck docks, as ITE has not determined that truck docks have any influence on a trip generation. As the above ITE statement discloses, ITE, in the future, may analyze that issue if sufficient information is available to reach a credible conclusion. However, for purposes of the project and consistent with the City's engineering judgment and Traffic Guidelines, the DEIR's analysis relies on the 11th Edition of the ITE guidance.

The comment also incorrectly states that the DEIR analysis assumed less than 25% of the truck traffic to the site would be from heavy duty trucks. The CalEEMod default fleet mix is a weighted fleet mix of all vehicles in the project region and is appropriate for most land use projects. However, as the project is warehouse, vehicle trips are anticipated to be heavy-duty trucks and employee vehicles. To reflect the anticipated vehicles associated with the project, the CalEEMod default fleet mix was adjusted in

accordance with the projects traffic analysis. The air quality and GHG analysis is based on the following truck traffic split per vehicle class outlined below.

- Warehouse (percentage of truck types):
 - 17%, LHDT1 & LHDT2
 - 21%, MHDT
 - 63%, HHDT
- Manufacturing (percentage of truck types):
 - 11%. LHDT1 & LHDT2
 - 36%, MHDT
 - 53%, HHDT

As shown, the heavy-heavy duty trucks are assumed to be 63% and 53% for warehouse and manufacturing, respectively. Because the ITE trip generation data do not specify truck distribution based on truck class, the methodology for proportioning the trucks in the EIR analysis is based on SCAQMD's Warehouse Truck Trip Study Data Results and Usage (SCAQMD 2014) and Fontana Truck Trip Generation Study (SCAQMD 2003). This comment does not result in any revisions to the Final EIR.

The comment offers a partial citation to the DEIR's air quality analysis and then offers an opinion about the VMT analysis related to truck trips. The VMT analysis utilizes the SANDAG Senate Bill (SB) 743 Concept Map shown in Figure 3 of the VMT analysis (Appendix J) as required by the Traffic Guidelines (City of Oceanside 2020). Consistent with the City's formally adopted VMT thresholds, the DEIR uses SANDAG's Employee VMT by Census Tract to evaluate whether the project would cause a potentially significant impact. Heavy duty truck trips, in the abstract, have no bearing on that analysis. As further evidence of the propriety of the City's methodology, guidance developed by ITE, Guide To SB 743: The Transition from Level of Service to Vehicles Miles Traveled for CEQA Transportation Analyses (ITE 2021b), explains:

SB 743 does not apply to goods movement (i.e. trucks) and therefore the VMT associated with the movement of goods does not need to be analyzed or mitigated in the determination of transportation impacts. Most projects that have a substantial goods movement component also have automobile trips and the automobile portion of project trips would be subject to VMT analysis and mitigation. Section 15064.3 of the CEQA Guidelines states that VMT for transportation impacts refers to. "... the amount and distance of automobile travel..." The Technical Advisory recognizes that use of total VMT inclusive of commercial vehicle trips may also be considered and it should be noted that many models that report VMT statistics report a combination of VMT generated by goods movement and automobile travel. Lead agencies will also need to consider that VMT used for air quality, GHG, and energy impact analysis is based on total VMT inclusive of vehicle types.

Therefore, no changes are required.

O3-14 The comment offers an opinion, without substantiation, that project impacts from trucks have been underestimated within the DEIR. The Local Transportation Study (Appendix I to the EIR) and the Air

Quality and Greenhouse Gas Emissions Technical Report (Appendix B to the EIR) prepared for the project included cars and trucks in the analysis as documented in the trip generation tables. No changes are recommended.

O3-15 This comment relates to location and amount of truck noise on the site and questions the methodology used in the DEIR. The comment states that the Australian noise study model was for passenger vehicles and not heavy-duty trucks and requests clarification of assumptions about how the noise modeling dealt with the project's vehicle mix. The commenter is mistaken about the noise analysis. As addressed in Response O1-7, the Australian noise study information was utilized as part of the modeling for noise related to passenger vehicles. The DEIR's noise study included analysis from Baltrënas et al. (2004), a study that considered noise levels associated with cargo truck delivery activity, specifically at truck loading/unloading areas. The study concluded that the maximum noise levels in such areas were 96 dBA at 1 meter from the boundary of the truck activity area. However, the time-averaged noise levels would be lower. The referenced Australian noise study provides empirical data on passenger car parking movements that substantiate 64 dBA Leq at 50 feet as a model input. For the purposes of the project, a level of 64 dBA Leq at 50 feet was used to define these individual sources of noise.

For the modeling, the sound power levels used are based on standard noise level calculations for a single truck pass-by at low speed (83.5 dB) and a single truck at the loading dock (88.9 dB), with the model assuming 13 peak hour truck trips. These sound power levels are typical values used in noise impact assessments. An upward dB adjustment has been applied to these single-truck values based on the quantity of peak hour trips. These truck-related noise levels are mentioned since they are different from (and included in the model separately as on-site noise emission sources) the passenger car parking areas and their reference sound levels of 64 dBA Leq at 50 feet.

As disclosed in DEIR Section 4.11, the truck loading docks for the project would be located at a minimum distance of 730 feet from the nearest residential property line to the north. Using the standard outdoor noise attenuation rate of 6 dBA with each doubling of distance, the truck loading activity would produce noise levels of approximately 39 dBA Leq at the residential properties to the north. This level is approximately 6 dBA less than even the most stringent of the City's Municipal Code standards for maximum noise levels during nighttime hours for residential zones.

Thus, the DEIR's methodology properly determined that impacts associated with the project's truck loading docks and truck yard area noise would be less than significant. Additionally, as disclosed in DEIR Section 4.11, the combined on-site operations noise emissions, including parking lot noise, HVAC equipment, and truck loading and truck yard activity, would result in a noise level of 39 dBA Leq, which is well below the applicable limits of 50 dBA Leq during daytime and 45 dBA Leq during nighttime for the closest residential-zoned properties.

This comment states that noise monitoring location ST2 is closest to the preserve and discusses the associated analysis in the DEIR. The comment asks about the frequency and duration of the background noise measurements. In response, under CEQA, short-term noise measurements, such as a 15-minute sampling, can be considered representative of hourly ambient noise levels if they are taken under stable conditions that are typical of the hour being evaluated. The acceptability of a 15-minute measurement as a proxy for an hour's ambient noise level rests on the premise that the sample is reflective of the normal conditions during that time period. Section 3.3.2 of the September 2013 Caltrans Technical Noise Supplement (TeNS) states: "A noise measurement representing an hourly Leq

does not need to last the entire hour. As long as noise levels do not change significantly, a shorter time period will usually be sufficient to represent the entire hour of interest" (Caltrans 2013).

In the context of the project, the 15-minute noise measurement at ST2 that captured the event of a plane landing is within CEQA's allowance if such events are regular occurrences that contribute to the typical ambient noise environment. It is recognized that airports have characteristic operational noise due to aircraft takeoffs and landings, and these noise events are integral to the ambient noise levels in areas proximate to airports.

The 15-minute measurement is representative here because the Oceanside Municipal Airport has routine flights (approximately 0–7 flights per day with an average of 2 flights per day) (Airport Info Live 2024; Flight Radar 24 2024) and the noise event captured during the measurement is not an anomaly but rather a recurrent part of the soundscape. Therefore, the noise levels observed during the 15-minute interval at ST2 accurately and appropriately identify the background ambient noise level at the location for purposes of performing the CEQA analysis, as they reflect the typical environmental conditions influenced by airport activities. Further, as disclosed in the DEIR, the higher noise levels at the ST2 location are consistent with expectations, as that location is closer to the airport than the other noise measurement locations. Thus, the methodology used in the DEIR to measure noise impacts is consistent with CEQA, and no changes are needed.

O3-17 The comment states that the noise analysis should evaluate the impact on the users of the SLR Trail adjacent to the project. In response, under CEQA, the definition of a sensitive receptor primarily pertains to human populations and certain land uses that are particularly susceptible to environmental noise, such as residential areas, schools, hospitals, nursing homes, and locations where quiet is an essential quality, like libraries and places of worship.

However, the SLR Trail northerly adjacent to the project is within Open Space (OS) per the City's zoning map. Section 38.12.a of the City's noise ordinance indicates that such OS land use expects the same noise limits as land zoned for single-family residences. But Section 38.12.c from the City's noise ordinance indicates that where such a zone adjoins a dissimilar one, like that of the project, the noise thresholds shall be the arithmetic mean of the two. Hence, the daytime and nighttime limits for the trail would be 60 dBA and 55 dBA, respectively, and predictive operations noise modeling results appearing in Appendix D to the DEIR show that the aggregate noise levels from the project along this trail extent would be less than these limits and would thus be considered compliant and less than significant impacts.

The comment states that least Bell's vireo is located closer than the closest sensitive receptor listed in the noise analysis and that the noise analysis should consider potential impacts on this and other sensitive species. In response, though it was determined that impacts due to noise would be less than significant for both construction and long-term operations and no mitigation measured are required, construction best practices that incorporate noise reduction techniques would be incorporated into the project construction phase. Noise impacts to biological species are analyzed in DEIR Section 4.3, Biological Resources, specifically Impact BIO-5. Implementation of MM-BIO-1, MM-BIO-2, and MM-BIO-3 would ensure that all impacts associated with the project stay within the designated development footprint and would also require nesting bird surveys and avoidance buffers to ensure that project construction noise does not disrupt bird nesting.

- O3-19 The comment asks for a wildfire evacuation study without offering a CEQA justification for the same. The DEIR's wildfire impact analysis properly evaluated the project's potential significant impacts with respect to each of the CEQA significance thresholds. CEQA does not require anything more. Please refer to Thematic Response 1 for an additional discussion regarding wildfires and evacuations.
- O3-20 The comment provides an attachment, MHCP Edge Effect Conditions. Section 4.3 of the Final EIR explains that the proposed project includes a 100-foot biological buffer from the adjacent San Luis Rey River to ensure that the project does not result in undesirable edge effects. Additionally, any potential short-term indirect impacts include the following mitigation measures to avoid edge effects: MM-BIO-1, which requires nesting bird surveys; MM-BIO-2 and MM-BIO-3, which require biological monitoring and installation of temporary fencing to prevent inadvertent disturbance to areas outside the limits of grading; and MM-BIO-4, which prohibits invasive species in the landscaping.

Comment Letter 04

1

Community Fire Safety Opposition to the Proposed RAF Pacifica Warehouse Project Oceanside, California

Recommendation- adding any facility at the proposed warehouse site that will inhibit vehicle flow in the area north of the airport should wait until the community responds to the changes in our Very High Fire Hazard status and develops the necessary wildfire safety practices.

04-1

Failure to do this will endanger our homes and our safety.

We are a group of volunteers developing a fire safety program for our neighborhood. We are all survivors of the 2022 Wala Fire. Our neighborhood of 299 homes is part of more than 1300 homes in the area north of Oceanside Municipal Airport. We are working to become certified in the prestigious nationwide FireWise Program. One step in this process is a neighborhood risk assessment that we are creating with the help of FireWise and CAL FIRE. This assessment has raised serious concerns regarding the issues of wildfire Safety and the proposed warehouse construction, location, and operation.

04-2

We note that the RAF PACIFICA GROUP Draft EIR (DEIR) simply covers the Fire response for the Warehouse itself. It completely ignores the nearby residential community, and the impact warehouse operations will have on Fire Safety, evacuation, and the lives of the neighboring residents.

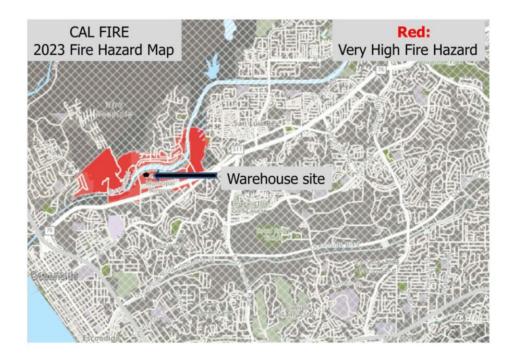
Community Fire Safety Opposition to the Proposed warehouse project---December 2023

In our response to the DEIR below highlights the Fire Safety issues and evacuation and emergency vehicle concerns facing our community. Potential avenues of mitigation are suggested.

04-2 Cont.

I. Introduction

Recently, our neighborhood in Oceanside has been included in a Very High Fire Hazard Severity Zone (VHFHSZ). This is CAL FIRE's highest level of fire hazard. We are the only neighborhood in the City of Oceanside in such a Fire Hazard Zone! (See figure below). The proposed warehouse site and the area within 2000 feet of it are also in this Fire Hazard zone. It is likely that all the areas north of the Airport will soon join it. Oceanside Fire is responsible for this area.



04-3

Community Fire Safety Opposition to the Proposed warehouse project---December 2023

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The Fire Hazard Severity Zone (FHSZ) maps are developed using a science-based and field-tested model that assigns a hazard score based on the factors that influence fire likelihood and fire behavior. Many factors are considered such as fire history, existing and potential fuel (natural vegetation), predicted flame length, blowing embers, terrain, and typical fire weather for the area. There are three levels of hazard in the State Responsibility Areas: moderate, high, and very high. (CAL FIRE)

04-3 Cont.

This has been a real eye-opener in terms of our current status of fire safety. When our homes were built the threat of wildfire seemed remote. This is no longer the case as our area continues to heat up and dry out. We currently lack the basic tenets of wildfire safety and are simply not ready to deal with the wildfires that will certainly come our way. Our HOA insurance quote just went up 151% this year-so the insurance companies understand this issue!

II. Wildfire Action Plan and Issues

Our three-year FireWise plan will help us make progress, but even after this we will still not be completely ready and Wildfire Safe. The neighboring communities (another 1000 homes) are far behind us in terms of Fire safety.

We list below some of the issues identified by the risk assessment process that need to be addressed for the region to be considered "wildfire safe" or "wildfire resistant". At present we do not have plans or resources in place to deal with all these issues. A substantial coordinated effort will be necessary to make the area wildfire safe.

04-4

 Hundreds of Existing Palm Trees. These palm trees are throughout the area: Front yards, near houses, near zone 1 backyards, near zone 2 and

Community Fire Safety Opposition to the Proposed warehouse project---December 2023

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potential wildfire areas. These have been added based on aesthetics with no concern for wildfire safety.

Many palm species are known to be receptive to embers and once ignited, difficult to extinguish. Poorly maintained palms present an even greater hazard in the amount of ember production as well as the size and distance they can travel during wind driven wildfires. Size of the embers can vary from small masses of fibers to entire fronds. What we have learned about the dangers of embers and the distance they can travel suggests we should avoid using palms in known fire hazard severity zones. Again, many palms are a known hazard, and their use is highly discouraged. (Los Angeles Wildfire guide)

04-4 Cont.

(NFPA recommendations)

- Removal is necessary for palms listed in the High Hazard list if the palms are located in Zone 0, especially if abutting or overhanging a structure.
- Removal is recommended for palms listed in the High Hazard list if they are located anywhere in Zone 1.
- Annual pruning and skinning of High Hazard palms is necessary in all zones if removal is not an option.

2. There are also dozens of pine trees in the area. Pines, in particular, can have cones that ignite and are carried a great distance by the wind. Another problem common to all trees is that the leaves or needles that drop onto roofs or other places become very dry tinder in fire season. Any trees with limbs that are near or above power lines are especially hazardous. (NFPA)

04-5

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Tree/scrub/plant spacing: In general the recommendations for horizontal spacing, spacing on slopes, vertical spacing, and branch spacing are not being followed.

04-6

4. Canopy Tops: Trees 30-60 feet from homes should have at least 12 feet between canopy tops. Many areas do not currently meet these requirements).

04-7

5. Problem areas/interface to homes.

Our area is surrounded by potential wildfire hazards. These include open land, abandoned lots, city land with unmanaged vegetation, and other poorly maintained land. Some of these areas are used as homeless camps, unregulated internal combustion engine vehicle (4-wheel, motorcycles, dirt bikes) off-road riding, and unauthorized recreational activity. The terrain includes steep cliffs, canyons, and rolling hills. Some of these areas border Camp Pendleton. Here is a map of the area showing problematic areas—where wildfires will occur (in orange). Our neighborhood is outlined in blue.

04-8

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04-8 Cont.

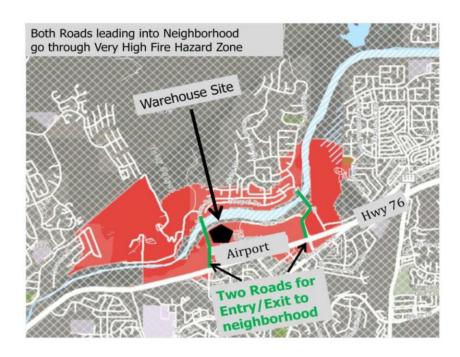
6. Warehouse Impact on Evacuation Response and Emergency vehicles

Warehouse operations at the proposed site, with multiple trucks entering/exiting Benet Road and Hwy 76, will seriously impact evacuation and emergency vehicle movement in case of wildfire. The additional traffic from large "semi" trucks driving the proposed route to and from the warehouse site, along Benet, and onto Hwy 76 will jeopardize one of only two roads for community residential traffic and emergency response. The proposed Truck warehouse itself is also in the High Fire Hazard Zone. It is likely the owners of these trucks will attempt to escape a wildfire in their valuable vehicles.

04-9

Community Fire Safety Opposition to the Proposed warehouse project---December 2023

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04-9 Cont.

- Developing an effective evacuation plan for the area is already difficult with only two entry/exit roads. Our plan needs to address a multitude of residents, including elderly and disabled. In addition to our homeowners, there are an additional 3000-4000 residents in nearby homes that will also attempt to use these two exit routes. Both routes are in the VHFHSZ.
- The Best approach to saving lives in a wildfire in our area will be to fortify our home defenses and address the nearby problem areas (CAL FIRE recommendations). As described above, it will take time for the community to adjust to the new Fire Hazard status. When achieved, this can give the neighborhood and Oceanside Fire Department/Oceanside Police Department additional time to respond to emergencies and conduct evacuations.

Community Fire Safety Opposition to the Proposed warehouse project---December 2023

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 Adding a truck warehouse or any similar operation before the community is prepared will result in traffic congestion on Foussat, Benet and Hwy 76--and will cost lives in a wildfire.

III. Recommendation- adding any facility at that site that will inhibit vehicle flow in the areas north of the airport must wait until the community responds to the changes in our Fire Hazard status and develops the necessary fire safety practices.

IV. Proposed Mitigation

At best, these are only partial solutions to the major issues

1. The warehouse site developer should be required to construct and maintain at least one additional alternate route out of the Very High Fire Hazard Severity Zone. The best choice might be a road into Camp Pendleton that would avoid Foussat, Benet, and Hwy 76.

2. A meeting place should be established and maintained by the developer, perhaps at the airport, for residents to meet and shelter during a wildfire. This would avoid the need for large numbers of vehicles attempting to enter Hwy 76 all at once.

Prepared by:

Kenneth Cassman-Firewise Wildlife Preserve Mari Imaeda- Firewise 5-30 zone Stephanie Briones Firewise HOA common areas. Michael Tenhover FireWise coordinator

References:

National Fire Protection Association (NFPA), CAL FIRE, LA WildFire Safety, FIREWISE National Program, International Wildland-Urban Interface.

Community Fire Safety Opposition to the Proposed warehouse project---December 2023

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JANUARY 2025

Response to Comment Letter O4

Community Fire Safety Group December 5, 2023

- The comment asks that the City not take action on the project "until the community" north of the airport develops wildfire safety practices. This comment does not raise any specific issue concerning the adequacy of the DEIR and no further response is required. However, as described in Section 4.17, Wildfire, the DEIR evaluated the proposed project in light of existing baseline conditions (which include the community north of the airport), cumulative projects, and the area's designation as a very high hazard severity zone (VHFHSZ). That analysis, which complies with CEQA and applicable law, demonstrates that the project would not have direct or cumulatively significant wildfire impacts. Please see Thematic Response 1 for more detail on the project's Wildfire Evacuation Study that is included as Appendix N to the Final EIR.
- O4-2 The comment notes the authors are volunteers preparing a fire safety program for their neighborhood and provides a summary of the group's history and mission. The comment also provides some general opinions and conclusory statements about the DEIR. The author's specific comments in the letter are addressed in the responses to comments that follow.
- O4-3 The commenter explains that their neighborhood and the project site are within a CAL FIRE designated VHFHSZ. That fact is disclosed, discussed, and analyzed in the DEIR. The comment also includes statements about the author's neighborhood and wildfire safety. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment gives an overview of the group's efforts to develop a FireWise plan for their neighborhood, a topic that is also referenced in comments 04-5 through 04-9. The comment asserts that palms in their existing neighborhood pose a fire hazard and offers recommendations from the National Fire Protection Association (NFPA) for palms in the author's neighborhood. The comment does not raise any specific issues concerning the adequacy of the DEIR; however, the project site does not include any existing palm trees. The Conceptual Landscape Plan prepared for the project does not include palm trees. Further, as part of project approval, the City is responsible for the review of the project's landscaping plan to ensure proposed landscaping meets the City's landscape regulations and ordinances, as well as to ensure compliance with state and local codes and regulations. As the project's landscape plan does not include palm trees, none would be installed as part of the project.
- The comment states that there are dozens of pine trees in the author's neighborhood and notes that trees contribute to wildfire risks. The Conceptual Landscape Plan prepared for the project notes a small number (3) of pine varieties to be removed from the site. There are two types of pine trees noted on the proposed plant schedule for the project; however, these are part of a list of potential accent/shade trees that could be removed from the final landscape improvement plants for construction, which would be reviewed and approved by the City. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O4-6 The comment includes tree planting recommendations for horizonal spacing, spacing on slopes, vertical spacing, and branch spacing and indicates these recommendations are not being followed. It is not clear if the comment is stating that the project plans do not comply with the recommendations,

but it appears that it is a statement about the author's neighborhood and not the project. The commenter also does not identify the details of what the author thinks is needed in terms of "spacing." Nonetheless, the project's conceptual landscape plans have been reviewed by the fire experts at the City and on the developer's team. The design of those plans, including spacing between plants, was considered as part of the DEIR's wildfire analysis that demonstrates that the project would have less than significant impacts. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- O4-7 The comment identifies a recommendation that trees 30–60 feet from homes should have at least 12 feet between canopy tops and states that many areas in the commenter's neighborhood do not currently meet these requirements. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no response is required. Further, the project is consistent with the identified recommendation as it does not propose any trees within 30 to 60 feet of homes.
- O4-8 The comment identifies potential wildfire hazards in the commenter's residential neighborhood, such as open land, abandoned lots, unmanaged vegetation, and other poorly maintained land. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no response is required. Further, it appears as if the comment is suggesting that the EIR must analyze the impacts of existing environment on the commenter's neighborhood and perhaps the project. However, CEQA mandates only that an EIR study the potentially significant impacts of a project on the physical environment.
- The comment expresses opinions without supporting evidence that the project will impact evacuation and emergency vehicle access in the event of a wildfire and discusses the commenter's efforts to prepare an evacuation plan for their neighborhood. The DEIR discusses and analyzes the project's potentially significant impacts on the environment including, without limitation, the project's potential to substantially impair an adopted emergency response plan or emergency evacuation plan and whether the project would expose people or structures to a significant risk of loss, injury, or death due to wildland fires. As disclosed in DEIR Sections 4.8 and 4.17, the project would have a less than significant impact. Please also refer to Thematic Response 1 for a related discussion.
- **04-10** The comment again expresses an opinion about traffic from the project and impacts on areas north of the airport. Please see Response to Comment 04-9.
- O4-11 The comment provides suggestions for measures the author would like to impose on the project under CEQA. The comment specifically suggests the project should build an alternate access road through Camp Pendleton and establish a meeting place at the airport for residents to shelter during a wildfire. The DEIR demonstrates that the project would have less than significant impacts with regard to wildfire and hazards. Therefore, contrary to the opinion offered in the comment, the project is not required to include mitigation. Please also see Response to Comment 04-9 and Thematic Response 1.

Comment Letter 05

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December 8, 2023

Rob Dmohowski, Principal Planner City of Oceanside Planning Division 300 North Coast Highway Oceanside, California 92054 VIA EMAIL TO: rdmohowski@oceansideca.org

SUBJECT: COMMENTS ON EDDIE JONES WAREHOUSE MANUFACTURING AND DISTRIBUTION FACILITY EIR (SCH NO. 2022070365)

Dear Mr. Dmohowski,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Eddie Jones Warehouse Manufacturing and Distribution Facility project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

1.0 Summary

The project proposes the construction and operation of one 566,905 square-foot warehouse and distribution facility building on a 31.79 acre site vacant site with remnants of a previous industrial manufacturing building (APN 145-021-29-00, 145-021-030-00, and 145-021-032-00). The building consists of 369,415 square feet of warehouse area, 158,320 square feet of manufacturing area, and 39,170 square feet of office area designed as a single building that could support multitenant occupancies. The building is designed as a cross-dock fulfillment center with 48 truck/trailer loading dock doors along the north side and 67 truck/trailer loading dock along the south side of the building for a total of 115 truck/trailer loading dock doors. The site provides 60 truck/trailer parking stalls and 590 passenger vehicle parking stalls. The building has a proposed maximum height of 36 feet.

A Variance is requested to allow "small height increases for portions of the floodwall designed to surround the property."

05-1

05-2

3.0 Project Description

The EIR does not include a floor plan, detailed site plan, detailed building elevations, or a conceptual grading plan. The basic components of a Planning Application include a detailed site plan, floor plan, conceptual grading plan, written narrative, and detailed elevations. Additionally, the site plan provided in Figure 3-5 has been edited to remove pertinent information from public view. For example, it does not provide any detailed information such as earthwork quantity notes, parking requirements, or floor area ratio. The building renderings in Figure 4-1 do not include the height of the proposed building. Providing the maximum height of all portions of the proposed project is vital as the EIR states that the project requires approval of a Variance to proceed in order to allow "small height increases for portions of the floodwall designed to surround the property," and the height maximum and total height of the floodwall are not provided in the EIR.

The EIR also states that "Approximately 60,000 cubic yards of raw cut and 40,000 cubic yards or raw fill would be required for the site development, resulting in a net export amount of 20,000 cubic yards," and there is no method for the public or decision makers to verify this statement, such as a grading plan. The quantity of soil imported/exported from the project site contributes to the quantity of truck trips during the grading phase of construction and will increase project emissions. Providing a grading plan is vital to ensure that the public and decision makers can verify this information and for the EIR to provide an accurate environmental analysis. The EIR has excluded the grading plan, floor plan, and detailed site plan and elevations from public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the floor plan, grading plan, and detailed site plan contribute directly to analysis of the problem at hand. The EIR must be revised to include all application items for review, analysis, and comment by the public and decision makers in their whole and true form in order to provide an adequate and accurate environmental analysis.

The project requires approval of a Variance to proceed in order to allow "small height increases for portions of the floodwall designed to surround the property," and the height maximum and total height of the floodwall are not provided in the EIR. This does not comply with CEQA's requirements for meaningful disclosure and adequate informational documents. In order to provide an adequate and accurate environmental analysis, the EIR must be revised to list the maximum total height per City requirements, the proposed height of the floodwall, and the justification to support the approval of a Variance.

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4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions Cumulative Analysis: 6.4.2 Air Quality, 6.4.5 Energy, and 6.4.7 Greenhouse Gas Emissions

Please refer to attachments from SWAPE for a complete technical commentary and analysis.

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. According to CalEnviroScreen 4.01, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6073018603) experiences high rates of pollution burden. The surrounding community, including residences to the north and east, bears the impact of multiple sources of pollution and is more polluted than average on several pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 69th percentile for diesel particulate matter (PM) 2.5 burden and 71st percentile for traffic burdens. All of these environmental factors are typically attributed to heavy truck activity in the area. Traffic impacts represent the vehicles in a specified area, resulting in human exposures to chemicals that are released into the air by vehicle exhaust, as well as other effects related to large concentrations of motor vehicles2. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births³. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer4.

The census tract also ranks in the 91st percentile for hazardous waste impacts. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people⁵. The census tract ranks in the 77th percentile for impaired waters. Water pollution can harm wildlife habitats and change the number and types of plants and animals in the environment⁶.

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05-4

05-5

¹ CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

² OEHHA CalEnviroScreen Report

https://oehha.ca.gov/media/downloads/calenviroscreen/report/calenviroscreen40reportf2021.pdf

³ OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density

⁴ OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter

⁵ OEHHA Hazardous Waste Generators and Facilities

https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities

⁶ OEHHA Impaired Waters https://oehha.ca.gov/calenviroscreen/indicator/impaired-water-bodies

The census tract also ranks in the 64th percentile for solid waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations⁷.

Further, the census tract is a diverse community including 64% Hispanic, 8% Asian-American, and 6% African-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 82% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community has a high rate of poverty, meaning 94% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care. Poor communities are often located in areas with high levels of pollution. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution. The community also has a high rate of linguistic isolation, meaning 57% of the census tract speaks little to no English and faces further inequities as a result.

The State of California lists three approved compliance modeling softwares¹¹ for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

Table 4.7-6. Summary of Estimated Annual GHG Emissions depicts that the total project GHG emissions are 7,172.55 MTCO2e annually, which exceeds the Brightline CAP threshold of 900

05-5 Cont.

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⁷ OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities

⁸ OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty

⁹ Ibid.

¹⁰ Ibid.

¹¹ California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

MTCO2e annually by more than seven times. However, the EIR concludes that because the proposed project is consistent with the "CAP Consistency Checklist adopted by the City to ensure that the GHG emission targets identified in the CAP are achieved. The CAP determined that project consistent with the CAP checklist would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment Therefore, the proposed project would not generate GHG emissions that may have a significant impact on the environment; impacts would be less than significant." The EIR reasons that "the proposed project would not generate GHG emissions that have a significant impact on the environment because it is determined to be consistent with the City's CAP, which is the most applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs." The EIR has not provided any calculation regarding how consistency with the City's CAP will reduce the project's annual GHG emissions to below the Brightline CAP threshold of 900 MTCO2e annually. There is no meaningful analysis to demonstrate that a specific, quantified reduction in MTCO2e will be achieved via consistency with the City's CAP. Further, the EIR's determination that the project will result in less than significant impacts because its consistent with the City's CAP, which the EIR states is the most applicable plan, is erroneous and misleading to the public and decision makers. The threshold for analysis does not provide question if the project is consistent with only the most applicable plan. The threshold poses the question, "Would the project generate conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?" There are multiple applicable plans, policies, and regulations in the State of California adopted for the purpose of reducing the emissions of greenhouse gases, including the Brightline CAP, which the proposed project is not consistent with. Therefore, the EIR must be revised to include a finding of significance as the proposed project will generate 7,172.55 MTCO2e annually, which exceeds the Brightline CAP threshold of 900 MTCO2e annually by more than seven times, and the EIR's determination of consistency with the City's CAP has not provided a quantified reduction calculation to demonstrate that the project's impact will be reduced to less than significant.

05-7

Cont.

4.8 Hazards and Hazardous Materials Cumulative Analysis: 6.4.8 Hazards and Hazardous Materials

The project site is entirely located within Review Area 1 of the Oceanside Municipal Airport Land Use Compatibility Plan (ALUCP). The southwestern corner of the site is located within safety zone 1, 2, and 3. The remaining southern portion of the project site is located within safety zone 5 and the northern portion of the project site is within safety zone 6. Additionally, the project site is within an aviation noise exposure range of 60 dB CNEL and the Airport Overflight Notification Area.

05-8

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The EIR states that "A determination of no hazard to air navigation was issued for the project by the Federal Aviation Administration on April 18, 2023." However, the FAA's determination of no hazard letter is not attached for public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the FAA's determination of no hazard letter contributes directly to analysis of the problem at hand. A revised EIR must be prepared to include the FAA's determination of no hazard letter as an attachment for public review.

Additionally, the EIR states that, "The Airport Land Use Commission subsequently approved the Consistency Determination on September 7, 2023." However, the ALUC Consistency Determination approval is not attached for public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the ALUC Consistency Determination approval contributes directly to analysis of the problem at hand. A revised EIR must be prepared to include the ALUC Consistency Determination approval as an attachment for public review.

Notably, the September 7, 2023 SD ALUC meeting agenda¹² indicates the building reviewed by the SD ALUC is a maximum of 45 feet in height above ground level. The EIR is internally inconsistent in that Figure 3-5: Site Plan states that the building is 36 feet in height while Figure 3-6: Landscape Plan states that the building is 46 feet in height. A 46 foot tall building exceeds the project scope deemed consistent by the SD ALUC. The EIR must be revised to clarify the height of the proposed building (including by providing detailed building elevations) in order to demonstrate that the proposed project complies with the project scope deemed consistent by the SD ALUC. The EIR cannot conclude that the project will have less than significant impacts until and unless all items listed above are provided for public review, the EIR is revised to be internally consistent regarding the proposed height of the building and support this with meaningful evidence via building elevations, and demonstrate that the project is within the scope deemed consistent by the SD ALUC.

05-9

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05-11

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https://www.san.org/DesktopModules/Bring2mind/DMX/API/Entries/Download?EntryId=16800&Command=Core_Download&language=en-US&PortalId=0&TabId=341

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4.10 Land Use and Planning Cumulative Analysis: 6.4.10 Land Use and Planning

Table 4.10-1. City of Oceanside General Plan Consistency Evaluation provides an erroneous and misleading consistency analysis with General Plan items. For example, regarding consistency with Circulation Element Objective i. Aim for an acceptable Level of Service (LOS) D or better on all Circulation Element roadways on an average daily basis and at intersections during the AM and PM peak periods, the EIR only discusses the project's VMT impacts. The EIR does not discuss that the project will have significant and unavoidable impacts to Intersection #5: SR-76/Benet Rd (a Caltrans facility). As an example of the EIR's overall inadequacy in this analysis, it does not comply with CEQA's requirements for meaningful disclosure as there is no meaningful discussion or analysis regarding the impacts of the proposed project's significant and unavoidable impacts to LOS at Intersection #5 (CEQA § 21003(b)).

Additional General Plan items with inaccurate and misleading analysis within the EIR (some also attributable to erroneous modeling) include:

- Land Use Element Policy 2.1.D: Storage and warehousing facilities and services shall not be directly accessible to the general public.
- 2. Land Use Element Policy 2.711.F: If the location and traffic generation of a proposed development would result in congestion on major streets (less than Service Level C stable traffic flow) or promote safety hazards, the proposed development should in that case be required to make the necessary off-site improvements (subject to reimbursement from impact fees to be collected) or the development should be deferred until financing for the improvements is assured.
- Policy ECAE-1a-2: Require that new development supply a portion of its energy demand through renewable sources, to the extent practical and financially feasible.
- Circulation Element Goal 1: A transportation network that supports safe and efficient travel for all modes of transportation.
- Circulation Element Goal 2: A transportation network that is designed to accommodate the existing and future growth of the City of Oceanside.
- Circulation Element Objective i. Aim for an acceptable Level of Service (LOS) D or better
 onall Circulation Element roadways on an average daily basis and at intersections during the
 AM and PM peak periods.

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Appendix I: Local Transportation Study provides a full LOS analysis and concludes the following intersection will operate at peak hour deficiencies per the City's thresholds:

1. Intersection #5: SR-76/Benet Rd

Appendix I states that, "The proposed mitigation at the intersection of SR-76/Benet Rd is a fair share payment of 8.5% towards the provisions of converting the existing eastbound and westbound right turn lanes to a combination through-right lane in the eastbound and westbound direction resulting in three through lanes in each direction. The fair share payment shall 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," to mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to the deficient intersection is under jurisdiction of Caltrans. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal. App. 4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers. (2001) 87 Cal. App. 4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not adequate as there is no evidence mitigation will actually result. None of the improvements required are listed as part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City or Caltrans. Any improvements recommended or fees paid to mitigate impacts for Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Caltrans has not been provided. Notably, Appendix I and the EIR do not commit the funds to making the specific improvements to the deficient intersection and instead give unfettered discretion to the City to utilize the funds for "projects that will improve traffic safety and mobility in the City of Oceanside," and not transportation improvements that will mitigate the project's significant and unavoidable impacts to less than significant levels.

A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold 1 and Land Use and Planning Impact Threshold 2 because it is not consistent with the following General Plan items:

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- 1. Circulation Element Goal 1: A transportation network that supports safe and efficient travel for all modes of transportation.
- 2. Circulation Element Goal 2: A transportation network that is designed to accommodate the existing and future growth of the City of Oceanside.
- 3. Circulation Element Objective i. Aim for an acceptable Level of Service (LOS) D or better on all Circulation Element roadways on an average daily basis and at intersections during the AM and PM peak periods.

05-13 Cont.

4.12 Population and Housing

Cumulative Analysis: 6.4.12 Population and Housing

The EIR states that the project has "the potential to generate approximately 1,425 construction jobs and approximately 499 permanent jobs." However, the source and methodology of this calculation are not included. There are no methods for the public to verify that the project would only generate approximately 499 new employees and approximately 1,425 construction jobs. The EIR utilizes uncertain and misleading language which does not provide any meaningful analysis or calculation of the project's population and employment (construction and operational) generation. In order to comply with CEQA's requirements for meaningful disclosure, a revised EIR must be prepared to provide an accurate estimate of employees generated by all uses of the proposed project. It must also provide demographic and geographic information on the location of qualified workers to fill these positions as the the EIR also has not provided meaningful evidence that the local population is qualified for or interested in work in the industrial sector. Additionally, the methodology utilized to generate the employment estimates must be provided in a revised EIR. Incorporation by reference (CEQA § 15150 (f)) is not appropriate as t the methodology utilized to generate the employment estimates contributes directly to analysis of the problem at hand.

05-14

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impacts to population and housing. For example, the EIR concludes that impacts to population and housing will not be significant because "Most of the City's working population is employed outside of the City, with an estimated 76% of Oceanside workers commuting to their jobs," without providing any quantified analysis or meaningful evidence to support this claim. This uncertain language is not supported by any information such as evidence that the City's unemployed population is qualified for or interested in work in the industrial sector. There is also no analysis of projects approved, proposed, or "in the pipeline" in the City to demonstrate that the combined workforce of all projects does not exceed the growth estimates analyzed by City's General Plan and/or SANDAG. Relying on the entire labor force within an undefined distance, notably the greater SANDAG

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region, to fill the project's construction and operational jobs will increase VMT and emissions during all phases of construction and operations and a revised EIR must be prepared to account for longer worker trip distances. The EIR does not provide any demographic and geographic information on the location of qualified workers to fill these positions. A construction worker employment analysis must also be included in a revised EIR to adequately and accurately analyze all potentially significant environmental impacts.

Table 4.12-2. Oceanside Regional Growth Forecast depicts SANDAG's estimate that the City will add 11,869 jobs between 2016 - 2050. Utilizing the EIR's calculation of 499 employees, the project represents 4.2% of the City's employment growth from 2016 - 2050. A single project accounting for this amount of the projected employment growth over 34 years represents a significant amount of growth. A revised EIR must be prepared to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed the employment/population growth forecasts by SANDAG and/or the City's General Plan.

4.14 Traffic and Circulation

Cumulative Analysis: 6.4.14 Traffic and Circulation

Appendix I: Local Transportation Study provides a full LOS analysis and concludes the following intersection will operate at peak hour deficiencies per the City's thresholds:

1. Intersection #5: SR-76/Benet Rd

Appendix I states that, "The proposed mitigation at the intersection of SR-76/Benet Rd is a fair share payment of 8.5% towards the provisions of converting the existing eastbound and westbound right turn lanes to a combination through-right lane in the eastbound and westbound direction resulting in three through lanes in each direction. The fair share payment shall 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," to mitigate significant and unavoidable impacts to the intersection to less than significant levels. It must be noted that the impacts to the deficient intersection is under jurisdiction of Caltrans. Any improvements planned/constructed or in-lieu fees/fair share fees paid for Caltrans facilities are beyond the control/scope of the lead agency. An assessment of fees is appropriate when linked to a specific mitigation program. (Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, Save our Peninsula Comm. v. Monterey County Bd. Of Supers. (2001) 87 Cal.App.4th 99, 141.) Payment of fees is not sufficient where there is no evidence mitigation will actually result. (Gray v. County of Madera (2008) 167 Cal.App.4th 1099,1122.) The assessment of fees here is not

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adequate as there is no evidence mitigation will actually result. None of the improvements required are listed as part of an existing DIF/TUMF program and therefore are not planned to occur at all or by any certain date, whether by the City or Caltrans. Any improvements recommended or fees paid to mitigate impacts for Caltrans facilities are beyond the control of the lead agency and evidence that these improvements will be completed or approved by Caltrans has not been provided. Notably, Appendix I and the EIR do not commit the funds to making the specific improvements to the deficient intersection and instead give unfettered discretion to the City to utilize the funds for "projects that will improve traffic safety and mobility in the City of Oceanside," and not transportation improvements that will mitigate the project's significant and unavoidable impacts to less than significant levels.

A revised EIR must be prepared to include the LOS analysis as cumulatively considerable significant impact as the project conflicts with Transportation Impact Threshold 1 and Land Use and Planning Impact Threshold 2 because it is not consistent with the following General Plan items:

- Circulation Element Goal 1: A transportation network that supports safe and efficient travel for all modes of transportation.
- Circulation Element Goal 2: A transportation network that is designed to accommodate the existing and future growth of the City of Oceanside.
- Circulation Element Objective i. Aim for an acceptable Level of Service (LOS) D or better
 on all Circulation Element roadways on an average daily basis and at intersections during
 the AM and PM peak periods.

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. The EIR sources the OPR's 2018 Technical Advisory¹³ as its methodology for VMT analysis, which states that "here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks." However, the purpose of the OPR Technical Advisory document is purely advisory, stating in its introduction:

"The purpose of this document is to provide advice and recommendations, which agencies and other entities may use at their discretion. This document does not alter lead agency discretion in preparing environmental documents subject to CEQA. This document should not be construed as legal advice."

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¹³ Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA https://opr.ca.gov/ceqa/docs/20190122-743 Technical Advisory.pdf

The OPR document is not a legal interpretation, court decision, or amendment to the CEQA statute that clarifies the definition of automobile. The term "automobile" is not defined in the CEQA statute and application of the OPR interpretation is speculative and does not provide an analysis of the "worst-case scenario" for environmental impacts. Widespread public understanding and perception indicates that trucks, including medium/heavy-duty trucks associated with the industrial nature of warehouse operations, are automobiles. The EIR must be revised to include a finding of significance because the project exceeds the VMT thresholds and will further exceed the threshold when truck/trailer/delivery van activity is included for analysis. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed distribution center, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as a distribution facility, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's total operational VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

The EIR has not provided meaningful evidence to support the conclusion that Mitigation Measure TRA-1 (voluntary employer commute trip reduction program) will reduce project generated VMT to below the significance threshold of Employee VMT of at least 15% below the regional average continuously for the life of the project. Since future building tenants are unknown at this time, implementation of trip reduction measures cannot be guaranteed to reduce Project generated VMT to a level of less than significant. It is not possible for the City to ensure that Mitigation Measure TRA-1 will result in reduced VMT by project employees and be implemented continuously, at all times, throughout the life of the project and maintain a VMT reduction to less than significant levels at all times. The efficacy of the proposed mitigation measures and reduction of VMT impacts below the applicable thresholds cannot be assured and the project's VMT impact is therefore considered significant and unavoidable. A revised EIR must be prepared to include a finding of significance because there is no possible assurance of the percentage of project employees that would utilize non-automobile travel associated with the mitigation measures and mitigation of the project's VMT impact to less than significant is not feasible.

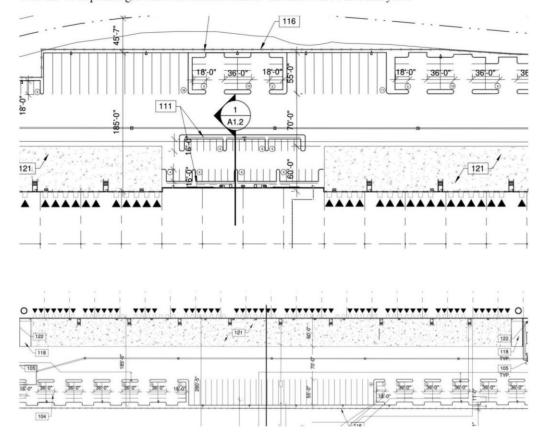
The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. There are no exhibits

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adequately depicting the onsite turning radius available for trucks maneuvering throughout the site or the maneuvering area available at the intersection of the project driveway and adjacent street. Notably, passenger car parking stalls are located within the truck/trailer loading dock court on the north side of the building and immediately adjacent to truck/trailer parking spaces on the north and south sides of the building. The passenger car parking spaces are located in a peculiar, atypical design and the EIR has not presented meaningful evidence that the geometric design of the site is nonhazardous. These parking stalls may be in use at any time and further restrict truck/trailer movement on the site and present a safety hazard with potential for conflicts between passenger cars and trucks/trailers. The overall site design presents several potential conflicts in maneuvering area for both passenger cars and trucks/trailers that have not been analyzed.



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Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. Sight distance is the

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continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

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7.1 Growth Inducement and 7.2 Significant Irreversible Effects

A revised EIR must be prepared to include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. The EIR does not include any information regarding the buildout conditions of the City's General Plan in order to provide an adequate and accurate cumulative analysis. The revised EIR must provide the horizon year of the City's current adopted General Plan, the total developable building floor area analyzed within the IL district, and cumulative development since adoption of the General Plan to ensure that the proposed project is within the General Plan EIR's analysis, particularly since the EIR tiers from the General Plan EIR.

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The revised EIR must also provide a cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SANDAG's employment or population growth forecast for the City. A cumulative analysis discussion must also include projects approved since General Plan adoption and projects "in the pipeline" to determine if the project will exceed growth estimates for the City from SANDAG, the AQMP, and/or the City's General Plan.

does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative are analyzed. The EIR must be revised to include analysis of a reasonable

range of alternatives and foster informed decision making (CEQA § 15126.6).

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Project" alternative and only two others - Multi-Building Alternative and Reduced Building Footprint Alternative. The EIR

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Conclusion

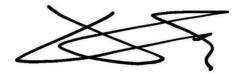
8.0 Alternatives

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

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Sincerely,



Gary Ho Blum, Collins & Ho LLP

Attachment: SWAPE Analysis

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December 8, 2023

Gary Ho Blum, Collins & Ho LLP 707 Wilshire Blvd, Ste. 4880 Los Angeles, CA 90017

Comments on the Eddie Jones Warehouse Project (SCH No. 2022070365) Subject:

Dear Mr. Ho.

We have reviewed the October 2023 Draft Environmental Impact Report ("DEIR") for the Eddie Jones Warehouse Project ("Project") located in the City of Oceanside ("City"). The Project proposes to construct a 566,904 square-feet ("SF") of industrial space and 650 parking spaces on the 31.79-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the environment.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The DEIR's air quality analysis relies on emissions calculated with the California Emissions Estimator Model ("CalEEMod") Version 2020.4.0 (p. 4.2-18).1 CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.

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¹ "CalEEMod Version 2016.3.2." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: http://www.aqmd.gov/caleemod/download-model.

Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose which parameters are used in calculating the Project's air pollutant emissions by identifying any changes to default values.

Justifications are provided for each altered value.

When reviewing the Project's CalEEMod output files, provided in the Air Quality and Greenhouse Gas Emissions Technical Report Emissions ("AQ & GHG Report") as Appendix B to the DEIR, we found that several model inputs were not consistent with information disclosed in the DEIR. As a result, the Project's construction and operational emissions may be underestimated. A revised EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Unsubstantiated Changes to Operational Off-Road Equipment Values

Review of the CalEEMod output files demonstrate that the "Eddy Jones Industrial Redevelopment Project" model includes changes to the default operational off-road equipment input parameters (see excerpt below) (Appendix B, pp. 99, 140, 171, 203, 244, 275, 310).

| Table Name | Column Name | Default Value | New Value |
|--------------------------------|--------------|---------------|------------|
| tblOperationalOffRoadEquipment | OperFuelType | Diesel | Electrical |
| tblOperationalOffRoadEquipment | OperFueiType | Diesel | Electrical |

The model consequently includes sixty-five electrical forklifts (see excerpt below) (Appendix B, pp. 166, 197, 239, 270, 301, 135).

| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|-----------|-------------|-------------|------------|
| Forklifts | 64 | 8.00 | 260 | 89 | 0.20 | Electrical |
| Forklifts | 1 | 4.00 | | 200 | | Electrical |

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified. ² According to the "User Entered Comments and Non-Default Data" table, the justification provided for the inclusion of operational off-road equipment is:

"CalEEMod defaults" (Appendix B, pp. 97, 137, 168, 200, 241, 272, 307).

Furthermore, regarding the operation of forklifts, the DEIR states:

"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" (p. 3-5).

However, the assumption that the Project's off-road construction equipment fleet would be electric-powered remains unsupported as the DEIR fails to explicitly require these standards through a formal

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² "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.

mitigation measure. This is incorrect, as according to the Association of Environmental Professionals ("AEP") CEQA Portal Topic Paper on mitigation measures:

"While not 'mitigation', a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact" (emphasis added).³

As demonstrated in the excerpt above, measures that are not formally included in the mitigation monitoring and reporting program ("MMRP") may be eliminated from the Project's design altogether. As the PDF-AQ-1 is not formally included as a mitigation measure, we cannot guarantee that these standards would be implemented, monitored, and enforced on the Project site. Consequently, the model's assumption that the off-road fuel type would adhere to the PDF-AQ-1 standards is incorrect.

Unsubstantiated Changes to Operational Fleet Mix Values

Review of the CalEEMod output files demonstrates that the "Eddy Jones Industrial Redevelopment Project" model includes many changes to the default operational vehicle fleet mix percentages (see excerpt below) (Appendix B, pp. 69-71, 116-118, 156-158).

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³ "CEQA Portal Topic Paper Mitigation Measures." AEP, February 2020, available at: https://ceqaportal.org/tp/CEQA%20Mitigation%202020.pdf, p. 6.

| Table Name | Column Name | Default Value | New Value | |
|-------------|-------------|---------------|-----------|--|
| tblFleetMix | HHD | 6.2660e-003 | 0.53 | |
| tblFleetMix | HHD | 6.2660e-003 | 0.62 | |
| tblFleetMix | HHD | 6.2660e-003 | 0.00 | |
| tblFleetMix | LDA | 0.56 | 0.00 | |
| tblFleetMix | LDA | 0.56 | 0.00 | |
| tblFleetMix | LDA | 0.56 | 0.70 | |
| tblFleetMix | LDT1 | 0.06 | 0.00 | |
| tblFleetMix | LDT1 | 0.06 | 0.00 | |
| tblFleetMix | LDT1 | 0.06 | 0.08 | |
| tblFleetMix | LDT2 | 0.18 | 0.00 | |
| tblFleetMix | LDT2 | 0.18 | 0.00 | |
| tblFleetMix | LDT2 | 0.18 | 0.22 | |
| tblFleetMix | LHD1 | 0.02 | 0.29 | |
| tblFleetMix | LHD1 | 0.02 | 0.23 | |
| tblFleetMix | LHD1 | 0.02 | 0.00 | |
| tblFleetMix | LHD2 | 6.2690e-003 | 0.07 | |
| tblFleetMix | LHD2 | 6.2690e-003 | 0.06 | |
| tblFleetMix | LHD2 | 6.2690e-003 | 0.00 | |
| tblFleetMix | MCY | MCY 0.03 | | |
| tblFleetMix | MCY | MCY 0.03 | | |
| tblFleetMix | MCY 0.03 | | 0.00 | |
| tblFleetMix | MDV | 0.12 | 0.00 | |
| tblFleetMix | MDV | 0.12 | 0.00 | |
| tblFleetMix | MDV | 0.12 | 0.00 | |

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As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified. ⁴ According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is:

"Based on project specific information" (Appendix B, pp. 98, 99, 169, 170, 201, 202, 242, 243, 274, 275, 309, 310).

However, these changes remain unsupported, as the Project documents fail to provide a source for the revised operational vehicle fleet mix percentages whatsoever. This is incorrect, as according to the CalEEMod User's Guide:

"CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA." 5

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⁴ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: https://www.aqmd.gov/caleemod/user's-guide, p. 1, 14.

⁵ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: https://www.aqmd.gov/caleemod/user's-guide, p. 13, 14.

Until the AQ & GHG Report and associated documents provides substantial evidence to support the revised operational fleet mix, we cannot verify the changes.

These unsubstantiated changes present an issue, as CalEEMod uses operational vehicle fleet mix percentages to calculate the Project's operational emissions associated with on-road vehicles. ⁶ By including several unsubstantiated changes to the default operational vehicle fleet mix percentages, the model may underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

Diesel Particulate Matter Emissions Inadequately Evaluated

The DEIR conducts a health risk analysis ("HRA") evaluating impacts from exposure to diesel particulate matter ("DPM") emissions during Project construction and operations. Specifically, the DEIR estimates that the maximum cancer risk posed to nearby, existing residential sensitive receptors as a result of Project construction and operation would be 5.52 and 1.33 in one million, respectively (see excerpts below) (p. 4.2-28, Table 4.2-10; p. 4.2-30, Table 4.2-12)

Table 4.2-10. Construction Activity Health Risk Assessment Results Prior to Mitigation

| Impact Parameter | Units | Project Impact | CEQA Threshold | Level of Significance |
|------------------------------------|----------------|-------------------|-------------------|-----------------------|
| Offsite | | | | |
| Cancer Risk | Per Million | 5.52 | 10.0 | Less than Significant |
| Chronic Hazard Index - Residential | Not Applicable | 0.006 | 1.0 | Less than Significant |

Table 4.2-12. Operational Health Risk Assessment Results - Unmitigated

| Impact Parameter | Units | Impact Level | CEQA Threshold | Level of Significance |
|---|-------------|-----------------|-------------------|---------------------------|
| Maximum Individual Cancer Risk - Residential | Per Million | 1.33 | 10 | Less than Significant |
| Chronic Hazard Index - Residential | Index Value | 0.0004 | 1.0 | Less than Significant. |

However, the DEIR's evaluation of the Project's potential health risks, as well as the subsequent lessthan-significant impact conclusion, is unreliable for two reasons.

First, the DEIR's HRAs are unreliable, as they rely upon emissions estimates from a flawed air model, as discussed above in the section titled "Unsubstantiated Input Parameters Used to Estimate Project Emissions." The HRAs are based on potentially underestimated DPM concentrations to calculate the health risk associated with Project construction. As a result, the DEIR's HRAs and resulting cancer risk should not be relied upon to determine Project significance.

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⁶ "CalEEMod User's Guide." California Air Pollution Control Officers Association (CAPCOA), May 2021, available at: https://www.aqmd.gov/caleemod/user's-guide, p. 36.

Second, the DEIR fails to mention or provide the exposure assumptions for the HRA, such as the age sensitivity factors ("ASF") or fraction of time at home ("FAH") values whatsoever. Until the DEIR substantiates the use of correct exposure assumptions, the HRA may underestimate the cancer risk posed to nearby, existing sensitive receptors because of Project construction. Furthermore, according to the *Risk Assessment Guidelines* provided by the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, the DEIR's models should have used the following equation:⁷

A. Equation 8.2.4 A: RISKinh-res = DOSEair × CPF × ASF × ED/AT × FAH

7. RISK inh-res = Residential inhalation cancer risk 8. DOSEair = Daily inhalation dose (mg/kg-day)

9. CPF = Inhalation cancer potency factor (mg/kg-day⁻¹)

10.ASF = Age sensitivity factor for a specified age group (unitless)
11.ED = Exposure duration (in years) for a specified age group

12.AT = Averaging time for lifetime cancer risk (years) 13.FAH = Fraction of time spent at home (unitless)

However, the DEIR and associated documents fail to include a dose and risk equation to calculate the Project's construction cancer risks. As such, we cannot verify that the DEIR's HRA is accurate, and the Project's cancer risks may be underestimated.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would generate net annual greenhouse gas ("GHG") emissions of 7,172.55 metric tons of carbon dioxide equivalents per year ("MT $CO_2e/year$ "), which would exceed the SDAPCD bright-line threshold of 900 MT $CO_2e/year$ (p. 3-59, Table 3.5-1).

| Emissions Source | MT CO ₂ | MT CH4 | MT N₂O | MT CO ₂ e |
|---|--------------------|--------|----------|----------------------|
| Area | 0.021 | <0.01 | 0 | 0.022 |
| Energy | 1,275.65 | 0.07 | 0.01 | 1,280.82 |
| Mobile | 4,603.41 0.15 0.40 | | 4,727.02 | |
| Offroad | 221.17 | 0.012 | 0.0026 | 222.23 |
| Waste | 117.93 | 6.97 | 0 | 292.16 |
| Water | 481.12 | 4.30 | 0.10 | 619.61 |
| Amortized Construction Emissions (30 years) | | | | 30.69 |
| Total Project Emissions | | | | 7.172.55 |
| Brightline CAP Threshold Exceeds CAP Threshold? | | | 900 | |
| | | | Yes | |

⁷ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-7 Equation 8.2.4.

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Furthermore, the DEIR relies upon project consistency with the City's Climate Action Plan ("CAP") to conclude a less-than-significant GHG impact. Specifically, the DEIR states:

"As shown in Table 4.7-7, the proposed project is consistent with the CAP Consistency Checklist adopted by the City to ensure that the GHG emission targets identified in the CAP are achieved. The CAP determined that project consistent with the CAP checklist would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment Therefore, the proposed project would not generate GHG emissions that may have a significant impact on the environment; impacts would be less than significant" (p. 4.7-27).

However, the DEIR's claim that the Project is consistent with the City's CAP is unsupported. Simply stating that the proposed Project would comply with GHG reduction programs and policies does not guarantee that the Project will be consistent with the City's CAP. Without including such features as formal mitigation measures, we cannot guarantee that they would be implemented, monitored, and enforced on the Project site. According to the AEP CEQA Portal Topic Paper on Mitigation Measures:

"While not 'mitigation', a good practice is to include those project design feature(s) that address environmental impacts in the mitigation monitoring and reporting program (MMRP). Often the MMRP is all that accompanies building and construction plans through the permit process. If the design features are not listed as important to addressing an environmental impact, it is easy for someone not involved in the original environmental process to approve a change to the project that could eliminate one or more of the design features without understanding the resulting environmental impact."

In order to be consistent with the City's CAP, we recommend the Project include all sustainability strategies as formal mitigation measures. Until then, the DEIR's conclusion that the project would be consistent with the City's CAP is unsubstantiated. The Project's GHG analysis is insufficient and the DEIR's less-than-significant impact conclusion should not be relied upon.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project would result in potentially significant air quality, health risk, and GHG impacts that should be mitigated further. In an effort to reduce emissions, the Project should consider the implementation of the following mitigation measures found in the California Department of Justice Warehouse Project Best Practices document.⁸

Requiring off-road construction equipment to be hybrid electric-diesel or zero emission, where
available, and all diesel-fueled off-road construction equipment to be equipped with CARB Tier
IV-compliant engines or better, and including this requirement in applicable bid documents,
purchase orders, and contracts, with successful contractors demonstrating the ability to supply

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⁸ "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, available at: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

- the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Using electric-powered hand tools, forklifts, and pressure washers, and providing electrical hook ups to the power grid rather than use of diesel-fueled generators to supply their power.
- Designating an area in the construction site where electric-powered construction vehicles and equipment can charge.
- · Limiting the amount of daily grading disturbance area.
- Prohibiting grading on days with an Air Quality Index forecast of greater than 100 for particulates or ozone for the project area.
- · Forbidding idling of heavy equipment for more than three minutes.
- Keeping onsite and furnishing to the lead agency or other regulators upon request, all
 equipment maintenance records and data sheets, including design specifications and emission
 control tier classifications.
- Conducting an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts.
- Using paints, architectural coatings, and industrial maintenance coatings that have volatile organic compound levels of less than 10 g/L.
- Providing information on transit and ridesharing programs and services to construction employees.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations for construction employees.
- Requiring all heavy-duty vehicles engaged in drayage to or from the project site to be zeroemission beginning in 2030.
- Requiring all on-site motorized operational equipment, such as forklifts and yard trucks, to be zero-emission with the necessary charging or fueling stations provided.
- Requiring tenants to use zero-emission light- and medium-duty vehicles as part of business operations.
- Forbidding trucks from idling for more than three minutes and requiring operators to turn off
 engines when not in use.
- Posting both interior- and exterior-facing signs, including signs directed at all dock and delivery
 areas, identifying idling restrictions and contact information to report violations to CARB, the
 local air district, and the building manager.
- Installing solar photovoltaic systems on the project site of a specified electrical generation capacity that is equal to or greater than the building's projected energy needs, including all electrical chargers.
- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.

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- · Running conduit to designated locations for future electric truck charging stations.
- Unless the owner of the facility records a covenant on the title of the underlying property
 ensuring that the property cannot be used to provide refrigerated warehouse space,
 constructing electric plugs for electric transport refrigeration units at every dock door and
 requiring truck operators with transport refrigeration units to use the electric plugs when at
 loading docks.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance)
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, air filtration systems at sensitive receptors within a certain radius of facility for the life of the project.
- Installing and maintaining, at the manufacturer's recommended maintenance intervals, an air
 monitoring station proximate to sensitive receptors and the facility for the life of the project,
 and making the resulting data publicly available in real time. While air monitoring does not
 mitigate the air quality or greenhouse gas impacts of a facility, it nonetheless benefits the
 affected community by providing information that can be used to improve air quality or avoid
 exposure to unhealthy air.
- · Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- Requiring operators to establish and promote a rideshare program that discourages singleoccupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- Meeting CalGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- Designing to LEED green building certification standards.
- Providing meal options onsite or shuttles between the facility and nearby meal destinations.
- Posting signs at every truck exit driveway providing directional information to the truck route.
- Improving and maintaining vegetation and tree canopy for residents in and around the project area.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel
 technologies and compliance with CARB regulations, by attending CARB-approved courses. Also
 require facility operators to maintain records on-site demonstrating compliance and make
 records available for inspection by the local jurisdiction, air district, and state upon request.

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- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay
 program, and requiring tenants who own, operate, or hire trucking carriers with more than 100
 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation.

As it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045, we emphasize that the energy mix that will charge the batteries and power electrical equipment must be 100% renewable energy resources. Until the feasibility of charging the batteries with renewable energy resources only is evaluated, the Project should not be approved.

A revised EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality, health risk, and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to below thresholds. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

Disclaimer

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

Sincerely,

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

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Paul Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV Attachment B: Paul Rosenfeld CV 05-31

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Attachment A



2656 29th Street, Suite 201 Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg. (949) 887-9013 mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization Investigation and Remediation Strategies Litigation Support and Testifying Expert Industrial Stormwater Compliance CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist California Certified Hydrogeologist Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 present);
- Geology Instructor, Golden West College, 2010 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

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- Executive Director, Orange Coast Watch (2001 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989– 1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 1998);
- Instructor, College of Marin, Department of Science (1990 1995);
- · Geologist, U.S. Forest Service (1986 1998); and
- Geologist, Dames & Moore (1984 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports
 and negative declarations since 2003 under CEQA that identify significant issues with regard
 to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions,
 and geologic hazards. Make recommendations for additional mitigation measures to lead
 agencies at the local and county level to include additional characterization of health risks
 and implementation of protective measures to reduce worker exposure to hazards from
 toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology
 of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking
 water treatment, results of which were published in newspapers nationwide and in testimony
 against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

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- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

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- public hearings, and responded to public comments from residents who were very concerned about the impact of designation.
- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed
 the basis for significant enforcement actions that were developed in close coordination with U.S.
 EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal
 watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the
 potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking
 water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing
 to guidance, including the Office of Research and Development publication, Oxygenates in
 Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

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principles into the policy-making process.

Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- · Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

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Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and Hagemann, M., 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

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Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

Van Mouwerik, M. and **Hagemann**, M.F. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

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Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

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Attachment B



SOIL WATER AIR PROTECTION ENTERPRISE 2656 29th Street, Suite 201 Santa Monica, California 90405 Attn: Paul Rosenfeld, Ph.D. Mobil: (310) 795-2335 Office: (310) 452-5555

Office: (310) 452-5555 Fax: (310) 452-5550 Email: prosenfeld@swape.com

Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Paul E. Rosenfeld, Ph.D.

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

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Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner

UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)

UCLA School of Public Health; 2003 to 2006; Adjunct Professor

UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator

UCLA Institute of the Environment, 2001-2002; Research Associate

Komex H2O Science, 2001 to 2003; Senior Remediation Scientist

National Groundwater Association, 2002-2004; Lecturer

San Diego State University, 1999-2001; Adjunct Professor

Anteon Corp., San Diego, 2000-2001; Remediation Project Manager

Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager

Bechtel, San Diego, California, 1999 - 2000; Risk Assessor

King County, Seattle, 1996 - 1999; Scientist

James River Corp., Washington, 1995-96; Scientist

Big Creek Lumber, Davenport, California, 1995; Scientist

Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist

Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* 233, 171.

Remy, L.L., Clay T., Byers, V., Rosenfeld P. E. (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. Rosenfeld, P., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., Rosenfeld, P. E., Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). The Risks of Hazardous Waste. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & Rosenfeld, P.E. (2011). Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., Rosenfeld, P. (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., Rosenfeld, P.E. (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & Rosenfeld, P.E. (2010). Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & Rosenfeld, P.E. (2009). Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry. Amsterdam: Elsevier Publishing.

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Wu, C., Tam, L., Clark, J., Rosenfeld, P. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. WIT Transactions on Ecology and the Environment, Air Pollution, 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and Rosenfeld, P.E. (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. Organohalogen Compounds, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and Rosenfeld, P.E. (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. Organohalogen Compounds, 70, 000527-000530

Hensley, A.R. A. Scott, J. J. J. Clark, Rosenfeld, P.E. (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., Rosenfeld, P.E. (2007). Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. Water Science and Technology. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC)* 2004. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. Water Science and Technology. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, Water Science and Technology, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*, 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. Water Soil and Air Pollution. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. Water Environment Research. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. Water Environment Research, 73, 388-393.

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Chollack, T. and P. Rosenfeld. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. Heritage Magazine of St. Kitts, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. 44th Western Regional Meeting, American Chemical Society. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; Rosenfeld, P.E. (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. Urban Environmental Pollution. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; Rosenfeld, P.E. (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. 2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. 2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., Rosenfeld, P. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. The 23rd Annual International Conferences on Soils Sediment and Water. Platform lecture conducted from University of Massachusetts, Amherst MA.

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Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The 23rd Annual International Conferences on Soils Sediment and Water. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). The Association for Environmental Health and Sciences (AEHS) Annual Meeting. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., Rosenfeld P.E., Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., Rosenfeld P.E., Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. Science, Risk & Litigation Conference. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. PEMA Emerging Contaminant Conference. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. International Society of Environmental Forensics: Focus On Emerging Contaminants. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. 2005 National Groundwater Association Ground Water And Environmental Law Conference. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. 2005 National Groundwater Association Ground Water and Environmental Law Conference. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

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Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. Meeting of the American Groundwater Trust. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., Paul Rosenfeld, Ph.D. and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. Meeting of tribal representatives. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. Drycleaner Symposium. California Ground Water Association. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants...* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. California CUPA Forum. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. EPA Underground Storage Tank Roundtable. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. Northwest Biosolids Management Association. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. California Resource Recovery Association. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. Soil Science Society of America. Lecture conducted from Salt Lake City Utah.

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05-31 Cont. Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University.

Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

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05-31 Cont. James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino

Billy Wildrick, Plaintiff vs. BNSF Railway Company

Case No. CIVDS1711810

Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia

Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company

Case No. 10-SCCV-092007

Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana

Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.

Case No. 2020-03891

Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division

Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad

Case No. 18-LV-CC0020

Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division

Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.

Case No. 20-CA-5502

Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri

Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.

Case No. 19SL-CC03191

Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division

Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.

Case No. NO. 20-CA-0049

Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District

Greg Bean, Plaintiff vs. Soo Line Railroad Company

Case No. 69-DU-CV-21-760

Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington

John D. Fitzgerald Plaintiff vs. BNSF

Case No. 3:21-cv-05288-RJB

Rosenfeld Deposition 8-11-2022

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In Circuit Court of the Sixth Judicial Circuit, Macon Illinois Rocky Bennyhoff Plaintiff vs. Norfolk Southern Case No. 20-L-56 Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio Joe Briggins Plaintiff vs. CSX Case No. A2004464 Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern George LaFazia vs. BNSF Railway Company. Case No. BCV-19-103087 Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois Bobby Earles vs. Penn Central et. al. Case No. 2020-L-000550 Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida Albert Hartman Plaintiff vs. Illinois Central Case No. 2:20-cv-1633 Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida Barbara Steele vs. CSX Transportation Case No.16-219-Ca-008796 Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York Romano et al. vs. Northrup Grumman Corporation Case No. 16-cv-5760 Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois Linda Benjamin vs. Illinois Central Case No. No. 2019 L 007599 Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois Donald Smith vs. Illinois Central Case No. No. 2019 L 003426 Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois Jan Holeman vs. BNSF Case No. 2019 L 000675 Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia Dwayne B. Garrett vs. Norfolk Southern Case No. 20-SCCV-091232 Rosenfeld Deposition 11-10-2021

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In the Circuit Court of Cook County Illinois

Joseph Ruepke vs. BNSF Case No. 2019 L 007730 Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska

Steven Gillett vs. BNSF Case No. 4:20-cv-03120 Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County

James Eadus vs. Soo Line Railroad and BNSF

Case No. DV 19-1056

Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al.cvs. Cerro Flow Products, Inc.

Case No. 0i9-L-2295

Rosenfeld Deposition 5-14-2021

Trial October 8-4-2021

In the Circuit Court of Cook County Illinois

Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a

AMTRAK,

Case No. 18-L-6845

Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois

Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail

Case No. 17-cv-8517

Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa

Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.

Case No. CV20127-094749

Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division

Robinson, Jeremy et al vs. CNA Insurance Company et al.

Case No. 1:17-cv-000508

Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino

Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.

Case No. 1720288

Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse

Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.

Case No. 18STCV01162

Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri

Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.

Case No. 1716-CV10006

Rosenfeld Deposition 8-30-2019

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In the United States District Court For The District of New Jersey

Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.

Case No. 2:17-cv-01624-ES-SCM

Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.

Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles - Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No. BC615636

Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles - Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No. BC646857

Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiffs vs. The 3M Company et al., Defendants

Case No. 1:16-cv-02531-RBJ

Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants

Cause No. 1923

Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants

Cause No. C12-01481

Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants

Case No.: No. 0i9-L-2295

Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi

Guy Manuel vs. The BP Exploration et al., Defendants

Case No. 1:19-cv-00315-RHW

Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No. LC102019 (c/w BC582154)

Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants

Case No. 4:16-cv-52-DMB-JVM

Rosenfeld Deposition July 2017

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05-31 Cont. In The Superior Court of the State of Washington, County of Snohomish

Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants

Case No. 13-2-03987-5

Rosenfeld Deposition, February 2017

Trial March 2017

In The Superior Court of the State of California, County of Alameda

Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants

Case No. RG14711115

Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County

Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants

Case No. LALA002187

Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia

Robert Andrews, et al. v. Antero, et al.

Civil Action No. 14-C-30000

Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County

Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant

Case No. 4980

Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida

Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.

Case No. CACE07030358 (26)

Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas

Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.

Case No. cc-11-01650-E

Rosenfeld Deposition: March and September 2013

Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio

John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants

Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)

Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division

James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.

Civil Action No. 2:09-cv-232-WHA-TFM

Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama

Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants

Civil Action No. CV 2008-2076

Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division

Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.

Case No. 2:07CV1052

Rosenfeld Deposition July 2009

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Response to Comment Letter O5

Golden State Environmental Justice Alliance Blum, Collins & Ho LLP December 8, 2023

- O5-1 The comment notes that the comment letter has been submitted by Blum Collins on behalf of the Golden State Environmental Justice Alliance. The comment formally requests to be added to the public interest list for future notices and hearings regarding the project; no further response is required.
- This comment presents the author's summary of the proposed project and does not identify specific areas where the EIR is inadequate; therefore, no further response is required.
- O5-3 The comment states that the DEIR does not include any floorplans, detailed site plan, detailed evaluations, or grading plan, and that Figure 3-5 does not provide information such as earthwork quantity notes, parking requirements, or floor area ratio. Additionally, the comment states that Figure 4-1 does not provide the height maximum or the height of the floodwall. The comment claims that the DEIR has excluded these details from public review, and states that the EIR must be revised to includes these items.

Section 15124 of the CEQA Guidelines provides guidance regarding the contents of an EIR's project description. Among these requirements are a general description of the project's characteristics; the location of the project, preferably shown on a detailed map; a statement of objectives sought by the proposed project; and a statement briefly describing the intended uses of the DEIR. According to Section 15124, a project description shall reflect the project specifics, the project site, and its surroundings but should not provide extensive detail beyond that needed for evaluating environmental impacts.

The project description chapter of the DEIR includes a detailed description of the project, the project site and its surroundings, and the anticipated operational and construction characteristics of the project. Figures are provided and include a project location map (Figure 3-1), a high-resolution aerial of the project site and surrounding area (Figure 3-2), a detailed site plan (Figure 3-5), and detailed conceptual landscape plan (Figure 3-6 and Figures 3-6A through 3-6C). Further, Figures 4.1-1 to 4.1-4 include conceptual depictions of all the building elevations. Taken together, the narrative and graphics provided within the project description and accompanying figures support the DEIR's good faith effort at full disclosure of the project's potentially significant impacts under CEQA. The level of detail provided complies with the CEQA Guidelines and provide sufficient detail to evaluate environmental impacts.

Further, the City maintains its online, e-Trackit (https://crw.cityofoceanside.com/etrakit3/) system that posts for public viewing all the project's relevant engineering and building plans, reports, and documents that the City evaluates as part of the discretionary permitting process. Therefore, between the DEIR and other public available information, the comment is without merit where it asserts that neither the public nor the decision makers has access to project information like grading plans, building elevations, or other required details about the project design. For example, those materials disclose that the variance would allow a flood wall height of up to 9.9 feet above the exterior grade of the site.

A grading plan was not included within the DEIR because it was determined to be overly technical (the amount of detail in a project description should reflect the size and scope of the project and the types and severity of impacts that are expected [AEP 2020]) and the grading required for the project was discussed throughout the DEIR. As outlined in Chapter 3 of the DEIR, the proposed project development would generally maintain the existing grades and landform of the project site. The San Luis Rey levee embankment and Benet Road right-of-way are elevated approximately 8–12 feet above the proposed site grades and building pad elevations, maintaining a berm effect around the northern and western edges of the project site. 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. This is necessary to allow for the proposed building pad, parking, and circulation areas.

With regard to internal floor plans, specific floor plans are not available because an end user of the proposed warehouse building has not yet been identified. It would be speculative for the DEIR to include greater level of detail or evaluate the project on such speculation. Additionally, CEQA does not require information of that nature. Sufficient information was provided in the DEIR to adequately evaluate environmental impacts and the inclusion of minor site statistics does not have any bearing on the environmental analysis provided within the DEIR. Because no new environmental issues were identified, no further analysis is necessary.

- The comment refers to comments provided by Soil Water Air Protection Enterprise (SWAPE), which are included as an attachment to the comment letter. Refer to Responses to Comments 05-22 through 05-30 in which these comments are addressed.
- This comment offers an opinion that the DEIR should have included an evaluation of "environmental justice issues." The comment selectively cites to and misstates census tract information from CalEnviroScreen and draws some erroneous conclusions and opinions about the same. For example, the comment fails to disclose that the census tract identified (CalEnviroScreen 4.0) includes substantial acreage dedicated to open space and public uses such as schools or the airport or commercial and industrial uses and that the project is separated from the residential areas in the census tract by the airport, commercial uses, and SR-76. The comment also fails to disclose that neither the City, the SDAPCD, nor the CEQA Guidelines include a category of significance thresholds for "environmental justice." Further, OEHHA does not recommend use of the CalEnviroScreen information for purposes of evaluating the significance of project-specific information as the information is "an indicator-based screening tool, rather than an assessment of absolute impacts or risks" (OEHHA 2022).

CEQA does require an analysis of a project's potentially significant impact as it relates to potential health effects, and the DEIR complied with CEQA in its analysis and conclusions related to those areas. For example, the DEIR includes a thorough analysis of air quality emissions impacts related to project construction and operation health risk assessments, as well as greenhouse gases (GHGs) (as described in Sections 4.2 and 4.7 of the DEIR). Within the SDAPCD jurisdiction, a project's localized impacts (i.e., impacts to nearby sensitive receptors) are also evaluated using SDAPCD Air Quality Significance Thresholds that are protective of the ambient air quality standards. The National and California Ambient Air Quality Standards (NAAQS and CAAQS) represent the allowable concentrations at which the public health and welfare are protected and include a reasonable margin of safety to protect the more sensitive receptors in the population (County of San Diego 2007b). The DEIR demonstrates that the project would have less than significant impacts with mitigation incorporated in those areas. Moreover, development of the project at the project site would provide quick and efficient access to SR-76 and Interstate 5,

thereby eliminating the need for truck traffic to take longer routes through residential or commercial/retail areas.

The comment erroneously states that California's Building Energy Code Compliance Software (CBECC), EnergyPro, and IES VE, are the State of California's only approved compliance modeling software programs for non-residential building and that CalEEMod is not listed as approved software. The source for that incorrect statement is a California Energy Commission (CEC) web page that describes the software programs approved to demonstrate compliance with California's building regulations (Title 24). The CEC does not have the authority or the intent to designate the software programs the City or any local jurisdiction may use to evaluate a project's air quality or GHG impacts under CEQA.

Contrary to the suggestion in the comment, CalEEMod was specifically developed by the California Air Pollution Control Officers Association with funding from various state and local air quality districts. As its User Guide discloses (CAPCOA 2022):

The purpose of CalEEMod is to provide a uniform platform for government agencies, land use planners, and environmental professionals to estimate ozone precursors, criteria pollutants, and greenhouse gases (GHG) (collectively referred to as "emissions") from land use development and linear projects in California. CalEEMod also integrates data from the Office of Environmental Health Hazard Assessment's (OEHHA) CalEnviroScreen® (CES) 4.0, the State of California's Cal-Adapt®, and the Public Health Alliance of Southern California's Healthy Places Index® (HPI) (November 2021) to identify potential climate risks and environmental burdens within the vicinity of a project.

Consistent with its intended purpose, the City and other agencies consistently use CalEEMod to assist in the preparation of CEQA air quality, GHG, and other related CEQA analyses. Relevant to the comment, the User Guide also specifies that the "emissions inventory modules also contain default values for estimating utility consumption (e.g., water, electricity, natural gas) that may be useful for preparing hydrology and energy analyses in other sections of a CEQA document" (CAPCOA 2022). The project will be required to comply with Title 24 by law as a condition to issuance of ministerial construction permits if the City approves the project. That analysis is not required by CEQA for the EIR, and the DEIR's CalEEMod modeling was not conducted to demonstrate compliance with Title 24, but rather to provide a reasonable estimate of potential air quality, GHG, and energy impacts, including energy demand (including petroleum, which the CBECC software does not include), for public disclosure and informational purposes under CEQA.

Overall, the commenter has not provided any substantial evidence to demonstrate that the methodology used by the City was improper or otherwise does not meet the CEQA standard of providing a good faith effort at full disclosure. Therefore, no revisions are required, and no further response is necessary.

O5-7 The comment argues that all projects in the City must generate 900 MT CO2e GHG or less to be determined to be less than significant and that the DEIR has not properly evaluated the CEQA significance criteria related to GHG and consistency with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The comment misstates the CEQA GHG significance criteria, the DEIR's analysis, and the standards established by the City's formally adopted Climate Action Plan (CAP). Under CEQA, local jurisdictions are encouraged to establish

their own significance thresholds for GHG emissions impacts and adopt CAPs. The CEQA Guidelines expressly grant a lead agency discretion to determine the appropriate methodologies and thresholds of significance consistent with the manner in which other impact areas are handled in CEQA.

With the adoption of the CAP on May 8, 2019, the City of Oceanside committed to measures designed to reduce local GHG emissions in a manner consistent with the following:

- Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used to demonstrate that the City is aligned with state goals for reducing GHG emissions to a level considered less than cumulatively considerable.
- Meeting CEQA Requirements—CEQA requires impacts from GHG emissions to be reviewed for discretionary projects (such as proposed development projects). This CAP will serve as a Qualified GHG Reduction Strategy consistent with CEQA Guidelines. Environmental review will be simplified, and future development within Oceanside that is consistent with the guidance contained in the CAP would not substantially contribute to global climate change.

In addition to City initiatives and voluntary community efforts, measures include requirements for certain types of new development. These requirements promote local renewable energy generation, electric vehicle charging infrastructure, urban forestry, reduction in single-occupancy vehicle trips, recycled water use, and other efforts that reduce the City's carbon footprint while enhancing its energy and water independence. The CAP Consistency Checklist consolidates these requirements within a single document, allowing for streamlined compliance review.

Contrary to the comment's assertion, the CAP makes clear that the 900 MT CO₂e is a screening threshold only. According to the City's CAP, new discretionary development projects subject to CEQA review that emit less than 900 MT CO₂e annually would not contribute considerably to cumulative climate change impacts and would not require additional analysis. Nothing in the CAP, CEQA or otherwise, requires projects to produce less than 900 MT CO₂e per year as the comment argues. The City of Oceanside's CAP was adopted to assist the City in reducing GHG emissions to 4 MT CO₂e per capita by 2030 and 2 MT CO₂e per capita by 2050 to align with the state's targets established by EOs B-30-15 and S-3-05, respectively.

For project's exceeding 900 MT CO₂e, the City requires either a project specific GHG analysis or analysis demonstrating that the project meets one of four locational criteria and is consistent with the CAP Consistency Checklist. Section 4.7 of the DEIR demonstrates that the project met at least one of the locational criteria and that the project is consistent with the CAP. The analysis was conducted by air quality and GHG emissions technical specialists with decades of experience performing such analyses throughout the state and within the San Diego region and further evaluated by the City's professional planning staff and City decision makers. The analysis properly addressed all project components, including, without limitation, energy demands such as electrical and fossil fuels like natural gas, in consideration of cumulative GHG impacts. As the record reflects, substantial evidence supports the City's determination that the project would have less than significant GHG impacts and that the project would not conflict with the CAP.

The comment does not acknowledge or address that analysis. As demonstrated in the DEIR, the project would comply with the CAP Consistency Checklist. The City formally adopted the CAP and the CAP Consistency Checklist to comply with all applicable state and City GHG standards and emissions

reduction targets disclosed in the DEIR's GHG section. Therefore, as the project demonstrates consistency with the CAP Checklist, the DEIR properly concluded that the project would have less than significant GHG impacts.

- **05-8** The comment discusses the ALUCP designations that apply to the project site. No response is required.
- O5-9 The comment misstates CEQA when it argues the DEIR must attach FAA's determination of no hazard letter. In fact, it is more common than not that the FAA would not issue such a determination until after completion of the CEQA process. Further, Section 4.8 of the DEIR's discussion of the project's potentially significant impacts related to airport hazards more than satisfies CEQA's informed decision making standard. All of the pertinent information from the FAA's determination of no hazard letter was already included within the DEIR in Section 4.8. Although not required by CEQA, in response to this comment, the FAA Determination of No Hazard to Air Navigation letters are included as Appendix O-1 to the Final EIR.
- O5-10 The comment erroneously asserts that the City violated CEQA by not attaching a copy of ALUC Consistency Determination approval. CEQA does not require such a thing for a publicly available document; comment 05-11 includes a link to the very ALUC consistency determination the author claims is absent. Further, all pertinent information from the ALUC Consistency Determination approval was included within the DEIR. Nonetheless, in response to this comment, the ALUC Consistency Determination approval will be included as Appendix O-2 to the Final EIR.
- The comment asserts that an inconsistency exists with respect to the height of the proposed building as disclosed in the DEIR. The comment claims this inconsistency exists based on a reference on Figure 3-5, Site Plan. The claim is without merit as the reference on Figure 3-5 is to a "36" CLR HEIGHT," which refers to the height of the internal ceiling and not the overall building height, including equipment and architectural projections. The DEIR, including Chapter 3, Project Description, and Section 4.10, Land Use and Planning, in accord with the ALUC Consistency Determination, consistently identifies the project as proposing a 45-foot-high structure.
- The comment argues that Table 4.10-1 includes an erroneous and misleading land use consistency analysis. However, the comment includes erroneous citations and fails to provide evidentiary support for the conclusory statements offered. The DEIR's General Plan Consistency Table within Section 4.10, Land Use and Planning, includes a CEQA compliant analysis of relevant goals and policies listed within the City's General Plan and why the project is consistent with the same. As such, the DEIR has properly evaluated the project's consistency with all applicable General Plan land use policies. Please refer to Thematic Response 5 above for a discussion of additional applicable policies that have been included in the General Plan Consistency Table in Section 4.10 of the Final EIR. Additionally, please refer to Thematic Response 2 and Response to Comment 09-89. Because no new environmental issues were identified, no further analysis is necessary.
- **05-13** The comment is substantively identical to comments 05-15 and 05-16. Refer to Responses to Comments 05-15 and 05-16 for detailed responses.
- O5-14 This comment claims the DEIR does not disclose the methodology used to identify the number of potential construction and operational workers. The comment also offers observations regarding about the DEIR's population and housing analysis including speculation regarding where the future workforce

will reside and questions about job growth for the project and as identified in SANDAG projections. The comment fails to cite, let alone address, the relevant CEQA threshold of significance. That threshold requires an evaluation of whether a project would "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 comment does not establish that the DEIR fails to properly analyze or disclose the project's less than significant impacts relative to that population and housing significance threshold. As DEIR Chapters 3 and 4 disclose, the project site was previously occupied by an industrial facility and the property has long been zoned for industrial use. The DEIR further discloses that the intensity of industrial development proposed by the project complies with the City's General Plan designation and zoning standards. As the Section 4.12 analysis explained, the General Plan Economic Development Element determined that any developable industrial land is important as a deficit of available industrial land exists relative to projected demand over the 2018–2035 planning period. Therefore, there is nothing "unplanned" about this infill project's proposed growth. Therefore, the arguments offered in the comment have no merit as it relates to the DEIR's CEQA compliant population and housing analysis.

The comment also fails to acknowledge that that some of the information, including the statistic that 76% of Oceanside workers commute from elsewhere, came directly from the City General Plan's Economic Development Element as indicated by the multiple citations to "(City of Oceanside 2019)."

- 05-15 The comment discusses the intersection of SR-76/Benet Road, mischaracterizes the analysis included in the LTS attached to the DEIR as Appendix I, and states that the DEIR should have concluded that the project would have a significant and unavoidable impact. Neither CEQA nor the DEIR's analysis supports that conclusion. The SR-76/Benet Road analysis does not result in a CEQA transportation impact. As discussed further in Thematic Response 2, the comment is addressing an LOS based analysis that CEQA prohibits from being utilized to determine the significance of a project's transportation impacts. As noted in the comment, the intersection of SR-76/Benet Road has a peak hour deficiency under LOS standards, which is not a CEQA transportation related impact threshold. Response to Comment 03-8 addresses the adequacy of the improvement designed to address that non-CEOA, LOS deficiency that exists without the project. DEIR Table 4.10-1 also explains that "As demonstrated in Appendix I, the proposed project would contribute traffic to a failing intersection (SR76/Benet Road) under several scenarios. Since the project alone would not result in the intersection failing below LOS D a fair share payment of 8.5% towards the improvements at that intersection would be required as a condition of approval for the project. Payment of the fair share would ensure the project would not conflict with a program, plan, or ordinance addressing roadway facilities." Thus, the comment erroneously asserts that the project would have a significant and unavoidable impact at SR-76/Benet Road. As a non-CEQA deficiency, the fair share is appropriate for City staff to apply as needed to help improve the overall traffic flow within the City of Oceanside.
- O5-16 Without the requisite support, the comment states that a revised EIR must be prepared to include different significance conclusions as it relates to the LOS analysis for the project. See Response to Comment O5-15 for a discussion of the erroneous argument upon which this comment is based. The City-approved non-CEQA LOS analysis, in the form of the LTS, included cumulative projects and complied with City requirements for evaluating LOS now that it can no longer serve as the basis for a CEQA transportation impact analysis. No changes are recommended.

O5-17 The comment offers an opinion and criticism of the methodology used for the VMT analysis and speculation about future operations. The comment argues that the DEIR underreported the quantity VMT generated by the project, and a revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity. The comment also argues that the DEIR did not include sufficient evidence to support the conclusion that Mitigation Measure TRA-1 would reduce the project generated VMT to below the significance threshold of Employee VMT of at least 15% below the regional average.

As stated in the VMT Analysis (DEIR Appendix J), the project evaluation was based on the methodology identified in the formally adopted City of Oceanside Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (Traffic Guidelines) (City of Oceanside 2020). The City adopted the guidance for the specific purpose of complying with CEQA's requirement that local agencies evaluate transportation impacts using VMT. As reflected in the document, and contrary to the comment's assertions, the City's methodology utilized information from recognized experts in the field including the Governor's Office of Planning and Research, the Institute of Traffic Engineers, and SANDAG. The City's adopted significance threshold for an industrial development like the project requires use of an employee generated VMT metric. The DEIR performed the required VMT analysis for the project including use of employee VMT information adopted by SANDAG that is specific to this region. Please also refer to Response to Comment 03-13 for an additional explanation regarding the truck trips argument. No changes to the DEIR are required.

Regarding MM-TRA-1, the Traffic Guidelines (City of Oceanside 2020) identify VMT mitigation measures and strategies to reduce the VMT to below a level of significance. Appendix E of the Traffic Guidelines specifically references the SANDAG adopted Mobility Management VMT Reduction Calculator Tool, along with examples of how to apply that methodology. The VMT Reduction Calculator Tool evaluates the VMT impact of more than 20 mobility management strategies. The calculator is utilized to determine how a strategy, when implemented, can reduce a project's VMT.

Contrary to the comment's assertion, as a formally adopted mitigation measure, the MMRP that CEQA requires a local agency to adopt in conjunction with any project approval creates a binding obligation on the project to comply with MM-TRA-1. The Conditions of Approval will similarly require future tenants to comply with the measure. The City-approved MM-TRA-1 was developed based on the Traffic Guidelines. MM-TRA-1 imposes the Voluntary Employer Commute Program, which includes disseminating information about SANDAG's iCommute program, carpools, vanpools, subsidized or discounted transit passes, bike amenities, trip reduction marketing, and preferential parking permit programs to reduce project VMT. The SANDAG Voluntary Employer Commute Program, which is mandatory for the employers to offer but voluntary for the employees to participate in, was developed using the following sources:

- California Air Pollution Control Officers Association. 2010. "Quantifying Greenhouse Gas Mitigation Measures." www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf
- 2. Cambridge Systematics. 2009. "Moving Cooler: An Analysis of Transportation Strategies for Reducing Greenhouse Gas Emissions." Technical Appendices. Prepared for the Urban Land Institute. www.reconnectingamerica.org/assets/Uploads/2009movingcoolerexecsumandappend.pdf

3. Boarnet, Marlon G., Hsin-Ping Hsu, and Susan Handy. 2014. "Impacts of Employer-Based Trip Reduction Programs and Vanpools on Passenger Vehicle Use and Greenhouse Gas Emissions: Policy Brief." www.arb.ca.gov/cc/sb375/policies/ebtr/ebtr_brief.pdf

As the DEIR demonstrates, including the project-specific VMT analysis (DEIR Appendix J) and Appendix D to the same, the SANDAG VMT Reduction Calculator Tool determined imposition of MM-TRA-1 to the specifics of the project would result in a VMT reduction of 6.2%. However, only a 3% VMT reduction is required to mitigate the project's potentially significant VMT impact to less than significant. Thus, the evidence demonstrates that the project would provide more mitigation than required to achieve a less than significant impact. With regard to the request to include a quantified VMT analysis that includes all truck/trailer and delivery van activity, no changes are recommended.

- The comment states that the DEIR did not adequately analyze the project's potential to substantially increase hazards due to a geometric design feature. The comment also states that a revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials Stopping Sight Distance requirements. In response, the project's proposed circulation was designed to meet applicable City and state codes for fire lanes and emergency vehicle access. The site design also complies with required parking per the City of Oceanside's Zoning Ordinances, as well as code required accessible and EV parking. The proposed driveways and curbs incorporate the required turning radius for trucks. Furthermore, this project also conforms to landscape requirements per City and regional codes. The project was designed using City standards and was reviewed and accepted by City staff as compliant with all applicable vehicular and circulation requirements for a project of this nature. The on-site circulation roads and driveways have been reviewed and approved for emergency vehicle access, circulation, and turning movements. Implying that a City standard is not adequate implies that the entire City roadway system is inadequate, which is not the case. Citing "potential" conflicts without evidence is speculative.
- O5-19 In the context of growth inducement and the significant irreversible effects analysis, this comment states that the EIR has not provided an adequate or accurate cumulative analysis related to growth inducing impacts regarding the buildout conditions of the City's General Plan. The comment argues that the cumulative analysis must include a discussion of projects approved since 2016 and projects "in the pipeline" to determine if the project will exceed SANDAG's employment or population growth forecast for the City.

The comment is based on a misstatement of the DEIR and CEQA's cumulative impact analysis. The DEIR analyzes potential cumulative impacts on an environmental resource by environmental resource basis in Chapter 6, Cumulative Effects, with supporting evidence contained in the respective technical studies included in the DEIR appendices and elsewhere in the project records. The DEIR demonstrates that implementation of the project would result in less-than significant cumulative impacts with regard to land use and planning. Growth-inducing impacts are discussed in Chapter 7, Other CEQA Considerations, under Section 7.1; the analysis therein determined that the project is not considered to be significantly growth inducing. In addition, cumulative impacts were discussed for each resource topic and a comprehensive list of cumulative projects was compiled and provided by the City. The DEIR made the appropriate findings regarding the project's significance determinations and feasible mitigation measures were applied to reduce potential impacts to a less than significant level.

- 05-20 This comment expresses the opinion that the DEIR was required to analyze additional alternatives to satisfy CEQA's reasonable range of alternatives standard. The comment does not provide any specific justification for the opinion offered nor does it address the specifics of the DEIR's discussion and analysis in Chapter 8, Alternatives. As discussed in Chapter 8, under case law and CEQA Guidelines Section 15126.6(f), the discussion of alternatives is subject to a rule of reason and need not be exhaustive. An EIR need not consider a project alternative whose effects cannot be reasonably ascertained, whose implementation is remote and speculative, or whose execution does not substantially lessen or avoid the significant effects of a proposed project. As disclosed in the DEIR, in determining an appropriate range of project alternatives to be evaluated in this DEIR, a number of possible alternatives were initially considered and then some were rejected. Three alternatives were selected for further evaluation, including the No Project/No Development Alternative (Alternative 1), the Multi-Building Alternative (Alternative 2), and the Reduced Building Footprint Alternative (Alternative 3). Each alternative received a CEQA compliant evaluation within the DEIR. The analysis discloses whether those alternatives meet project objectives and whether they would have potentially lesser, the same, or greater significant impacts. Thus, the DEIR adequately satisfies CEOA's requirement to evaluate a reasonable range of alternatives. Furthermore, as part of the Final EIR, an additional alternative (Multi-Building and Reduced Truck Bay Alternative) has been included for consideration in Chapter 8. Please refer to Thematic Response 8 for a description of this additional alternative considered based on City and community feedback.
- O5-21 The comment serves as a conclusion to the letter without any substantive analysis, and requests that the City add the commenter to the City's public interest list for the project. The comment is noted, and the City has added the commenter to its list of parties to be notified for the project. The comment does not identify specific areas where the EIR is inadequate; therefore, no further response is required.
- **O5-22** The comment serves as an introduction to the SWAPE letter, introduces the project, and summarizes the conclusion of the letter. No further response is required.
- The comment asserts that the author believes that the methodology used, particularly "several model inputs" for the California Emissions Estimator Model (CalEEMod), is not consistent with other information in the DEIR. The comment provides no specifics to support the general statement. However, as specifically identified in the CalEEMod User's Tips documentation, "Users are encouraged to understand the defaults and provide site specific data (e.g., construction schedule, construction equipment type, results of traffic study, predicted water usage, etc.), if available, for a more accurate analysis" (CAPCOA 2017). The DEIR analysis and methodology used to support the same complied with CEQA. See Response to Comments 05-24 and 05-25 for more specifics.
- The comment argues that the analysis should not have evaluated the project's future use of 65 pieces of electric-powered cargo handling equipment such as forklifts. That comment ignores the fact that PDF-AQ-1 specifically requires use of that electric-powered technology for that purpose and that all PDFs are incorporated into the MMRP and will be listed as project conditions of approval. Contrary to what the comment asserts, CEQA does not require a mitigation measure related to use of that equipment. Thus, the DEIR properly evaluated those pieces of equipment in the air quality and GHG impact analysis. The comment's speculations are not substantial evidence, and no further response is required.
- O5-25 This comment also questions the methodology of the DEIR regarding project specific inputs in the CalEEMod analysis of the vehicles involved in project operations. As discussed in Response to

Comment 05-23, CalEEMod User's Tips specifically provides that "Users are encouraged to understand the defaults and provide site specific data (e.g., construction schedule, construction equipment type, results of traffic study, predicted water usage, etc.), if available, for a more accurate analysis." (CAPCOA 2017). Here, the modifications made to the default CalEEMod assumptions were for the purpose of improving the accuracy of the analysis based on applicant input and project-specific information.

In regard to fleet mix percentages, given the nature and mix of uses proposed for the project, two separate warehouse land uses in CalEEMod were used to model emissions from mobile sources in order to produce separate emission estimates for gasoline and diesel fueled vehicles. This allows diesel particulate matter (DPM) to be quantified for health risk assessment. The CalEEMod default fleet mix is a weighted fleet mix of all vehicles in the project region and is appropriate for most land use projects. However, as the project is a warehouse use, vehicle trips are anticipated to be heavy-duty trucks and employee vehicles. To reflect the anticipated vehicles associated with the project, the CalEEMod default fleet mix was adjusted in accordance with the project's traffic analysis. The fleet mix for trucks was determined based off the project specific transportation assessment and included the following vehicle categories: 2-axle light-heavy duty trucks (LHDT1 and LHDT2), 3-axle medium-heavy-duty trucks (MHDT), and 4+-axle heavy-heavy-duty trucks (HHDT). The fleet mix for passenger vehicles was determined consistent with the CalEEMod/EMFAC fleet mix for the region for the following vehicle categories: light-duty auto (LDA), light-duty trucks (LDT1 and LDT2), and medium-duty vehicles (MDV). As such, the changes to the default CalEEMod assumptions for the project emissions modeling were appropriate based on the project-specific transportation analysis included in the DEIR.

- The comment states that the DEIR's HRAs are unreliable based on the contention the HRA relies on emissions estimates from a flawed air model as previously argued in comments 05-23 to 05-25. That argument lacks merit. As discussed in Responses to Comments 05-23 through 05-25, the modifications made to the default CalEEMod assumptions for the project emissions modeling were appropriate based on applicant input and project-specific information. See Responses to Comments 05-24 and 05-25. Therefore, no revisions are required, and no further response is necessary.
- The comment incorrectly states that the DEIR is flawed because it failed to include information about the exposure factors used or a dose and risk equation as part of the HRA analysis. Appendix B of DEIR Appendix B, Air Quality and Greenhouse Gas Emissions Technical Report, contains the HARP2 HRA modeling output files, which provide risk scenario settings and exposure parameters utilized in the analysis. As discussed in the DEIR, the HRA associated with emissions from construction of the proposed project is based on the methodologies prescribed in the Office of Environmental Health Hazard Assessment (OEHHA) guidance document, Air Toxics Hot Spots Program Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments (OEHHA Guidelines) (OEHHA 2015). To implement the OEHHA Guidelines, the SDAPCD has developed a three-tiered approach for HRAs, where each successive tier is progressively more refined, with fewer conservative assumptions. The SDAPCD document, Supplemental Guidelines for Submission of Air Toxics "Hot Spots" Program Health Risk Assessments (SDAPCD 2022), is the accepted guidance document for the performance of HRAs within the SDAB.

DEIR Section 4.2 explains that health effects from carcinogenic air toxics are evaluated in terms of cancer risk. The SDAPCD recommends a carcinogenic (cancer) risk threshold of 10 in one million. Additionally, some TACs increase non-cancer health risk due to long-term (chronic) exposures. The Chronic Hazard Index is the sum of the individual substance chronic hazard indices for all TACs affecting

the same target organ system. The SDAPCD recommends a Chronic Hazard Index significance threshold of one (project increment). The exhaust from diesel engines is a complex mixture of gases, vapors, and particles, many of which are known human carcinogens. DPM has established cancer risk factors and relative exposure values for long-term chronic health hazard impacts. The HRA for the proposed project evaluated the risk to existing off-site residents from diesel emissions from exhaust from on-site construction equipment and diesel haul and vendor trucks. The dispersion modeling of DPM was performed using the American Meteorological Society/EPA Regulatory Model (AERMOD), which is the model SDAPCD requires for atmospheric dispersion of emissions. AERMOD is a steadystate Gaussian plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of surface and elevated sources, building downwash, and simple and complex terrain (EPA 2021). Dispersion model plot files from AERMOD were then imported into CARB's Hotspots Analysis and Reporting Program (HARP) Version 2 (Version 22118) to determine health risk, which requires peak 1-hour emission rates and annual emission rates for all pollutants for each modeling source. For the residential health risk, the HRA conservatively assumes exposure would start in the third trimester of pregnancy for a duration of 12 months. AERMOD and HARP2 data files were provided in DEIR Appendix B. Therefore, no revisions are required, and no further response is necessary.

- This comment repeats the argument made previously in comment O5-7 related to the DEIR's GHG analysis. Please see Response to Comment O5-7 for a discussion of why this comment is not supported by the facts or the law and how the DEIR's analysis of the project's GHG impacts complies with CEQA. The comment also repeats the erroneous argument that project design features must be incorporated as mitigation measures to ensure compliance with the CAP and CEQA. As discussed in Response to Comment O5-24, that comment is based on a misunderstanding of CEQA and how the City incorporates PDFs into the MMRP and project conditions. Further, the comment fails to acknowledge that the City has also adopted regulations into the City Zoning Code that implement the CAP including, for example, renewable energy (OZC Section 3047) and transportation demand management (OZC Section 3050) requirements. Thus, the record reflects that the DEIR properly disclosed and discussed the project's potentially significant GHG impacts.
- The comment is based on the erroneous opinion that the project would result in significant air quality, health risk and GHG impacts. The record does not support that argument. Nevertheless, although not required to support the CEQA analysis or significance conclusions for the project, the project applicant has agreed to include the following measures found in the California Department of Justice Warehouse Project Best Practices document, as Project Design Features, as outlined in Chapter 3 of the Final EIR:
 - 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 Boad, 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
- O5-30 The comment provides a disclaimer regarding its limited knowledge of the project and the limits of SWAPE's analysis. As the comment does not specifically address the DEIR analysis, no further response is required.
- This comment includes resumes of the author of the SWAPE letter. The comment does not raise any specific issues concerning the adequacy of the DEIR, and no further response is required.

Comment Letter 06



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Via Email

December 11, 2023

Rob Dmohowski, Principal Planner City of Oceanside Planning Division 300 North Coast Highway Oceanside, CA, 92054 rdmohowski@oceansideca.org

Re: Comment on Draft Environmental Impact Report, Eddie Jones Warehouse (D22-00001, CUP22-00001, V22-00001; SCH NO. 2022070365)

Dear Mr. Dmohowski:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Eddie Jones Warehouse (D22-00001, CUP22-00001, V22-00001; SCH NO. 2022070365), which proposes the construction of a 566,905 square foot warehouse, manufacturing, and distribution facility, located at 250 Eddie Jones Way, in the City of Oceanside ("Project").

SAFER is concerned that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. SAFER requests that the Planning Department address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project.

SAFER reserves the right to supplement these comments during the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Rebecca Davis Lozeau Drury LLP 06-2

06-3

06-1

FINAL ENVIRONMENTAL IMPACT REPORT EDDIE JONES WAREHOUSE, MANUFACTURING & DISTRIBUTION FACILITY PROJECT

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Response to Comment Letter O6

Supporter Alliance for Environmental Responsibility (SAFER)
Rebecca Davis
December 11, 2023

- This introductory comment notes that the comment letter has been submitted by Lozeau Drury LLP on behalf of the Supporter Alliance for Environmental Responsibility (SAFER). This comment introduces SAFER, which is affiliated with the labor union LiUNA, and summarizes the proposed project. The comment does not identify specific comments regarding the adequacy of the DEIR; therefore, no further response is required.
- This comment offers an unsupported opinion that the DEIR fails as an informational document and does not impose feasible mitigation to reduce project impacts. SAFER then requests that that the City revise and recirculate the DEIR. The DEIR was prepared in accordance with CEQA requirements and, where applicable, incorporates mitigation measures to reduce potentially significant impacts to less than significant levels. The comment does not identify any specific items related to the adequacy of the DEIR analysis; therefore, no further response is required.
- This is a conclusionary comment and does not raise an issue with the adequacy of the DEIR; therefore, no further response is required.

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Comment Letter 07



AMY HARBERT

DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY

VECTOR CONTROL PROGRAM

5570 OVERLAND AVENUE, SUITE 102, SAN DIEGO, CA 92123

5570 OVERLAND AVENUE, SUITE 102, SAN DIEGO, CA 92123 Phone: (858) 694-2888 Fax: (858) 505-6786 www.SDVector.com HEATHER BUONOMO, REHS DIRECTOR OF ENVIRONMENTAL HEALTH

December 13, 2023

Rob Dmohowski, Principal Planner Planning Division City of Oceanside 300 North Coast Highway Oceanside, CA 92054

Via e-mail: rdmohowski@oceansideca.org

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE EDDIE JONES WAREHOUSE, MANUFACTURING, AND DISTRIBUTION FACILITY PROJECT

Dear Mr. Dmohowski:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the above referenced project. The County of San Diego Vector Control Program (VCP) is responsible for the protection of public health through the surveillance and control of mosquitoes that are vectors for human disease including West Nile virus (WNV). The VCP has completed their review and has the following comments regarding the proposed project.

- 1. The VCP respectfully requests that the Draft Environmental Impact Report address potential impacts from possible mosquito breeding sources created by the project and that the project be designed and constructed in a manner to minimize those impacts. Specifically, ensure construction-related depressions created by grading activities, vehicle tires, and excavation do not result in depressions that will hold standing water. In addition, ensure drains, BMPs, and other structures do not create a potential mosquito breeding source. Any area that is capable of accumulating and holding at least ½ inch of water for more than 96 hours can support mosquito breeding and development. Finally, if habitat remediation is required for the project, the design should be consistent with guidelines for preventing mosquito habitat creation.
- 2. Please note, the VCP has the authority pursuant to state law and County Code to order the abatement of any mosquito breeding that does occur either during construction or after the project is completed that is determined to be a vector breeding public nuisance. The VCP will exert that authority as necessary to protect public health if the project is not designed and constructed to prevent such breeding.



"Environmental and public health through leadership, partnership and science"

December 13, 2023 City of Oceanside

> For your information, the County of San Diego Guidelines for Determining Significance for Vectors can be accessed at

http://www.sandiegocounty.gov/content/dam/sdc/pds/docs/vector_guidelines.pdf
and the California Department of Public Health Best Management Practices for Mosquito Control in California is available at

 $\underline{\text{https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Mosquitoes} \\ \text{and MosquitoBorneDiseas} \\ \underline{\text{es.aspx\#}}$

The VCP appreciates the opportunity to participate in the environmental review process for this project. If you have any questions regarding these comments, please contact Daniel Valdez at 858-688-3722 or by e-mail at Daniel. Valdez@sdcounty.ca.gov.

Sincerely,

DANIEL VALDEZ, Registered Environmental Health Specialist Vector Control Program

07-3 Cont.

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Response to Comment Letter O7

County of San Diego Department of Environmental Health and Quality, Vector Control Program (VCP)

Daniel Valdez

December 13, 2023

- O7-1 The comment introduces the County of San Diego Vector Control Program (VCP) as the entity responsible for the protection of public health, including the control of mosquitos that can contain diseases. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O7-2 The comment requests the DEIR address potential impacts from mosquito breeding sources created by the project and also requests the project be designed and constructed in a manner to minimize potential impacts from possible breeding sources. Specifically, the comment requests the project ensure construction-related depressions created by grading activities, vehicle tires, and excavation do not hold standing water and ensure drains and other structures do not create a potential mosquito breeding source.

In response, the comment does not raise an issue that requires evaluation under CEQA. Nonetheless, with respect to project construction causing water to collect and provide a potential breeding source for mosquitos, the project is required by law to incorporate best management practices such as regular cleaning or sweeping of construction areas and impervious areas, in addition to runoff controls, as described in the DEIR in Section 4.9, Hydrology and Water Quality.

O7-3 This comment notes that the VCP has the authority pursuant to state law and County Code to order the abatement of any mosquito breeding that occurs during construction or project operation to protect public health if the project is not designed and constructed to prevent mosquito breeding. The comment also provides informational links to County information about vector control. The comment is noted. As the comment does not raise any specific issues concerning the adequacy of the DEIR, no further response is required.

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Comment Letter 08

Robert Dmohowski

From: Khalili, Atieh <Atieh.Khalili@sdcounty.ca.gov>

Sent: Friday, December 15, 2023 3:03 PM

To: Robert Dmohowski
Cc: Valdez, Daniel

Subject: IJN Review - Extension of Notice of Availability - Draft EIR Eddie Jones Industrial Project -

DUE 12-29-23

Attachments: CEQA DEIR_Eddie Jones.docx

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Mr. Dmohowski

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the above referenced project. The County of San Diego Vector Control Program (VCP) is responsible for the protection of public health through the surveillance and control of mosquitoes that are vectors for human disease including West Nile virus (WNV). The VCP has completed their review and has the attached comments regarding the proposed project.

The VCP appreciates the opportunity to participate in the environmental review process for this project. If you have any questions regarding these comments, please contact Daniel Valdez at 858-688-3722 or by e-mail at Daniel.Valdez@sdcounty.ca.gov.

Respectfully,



Atieh Khalili, Office Support Specialist (she/her/hers) Department of Environmental Health and Quality Policy, Outreach and Data C: 858-466-9170

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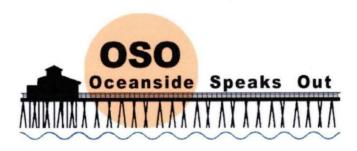
Response to Comment Letter O8

County of San Diego Vector Control Program
Atieh Khalili
December 15, 2023

O8-1 The email is from the County of San Diego Vector Control Program (VCP) and states that the VCP has attached comments regarding the proposed project. All VCP comments have been addressed as part of Response to Comment Letter O7. Please refer to Response to Comment Letter O7 above. No further response is required.

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Comment Letter 09



OceansideSpeaksOut@Gmail.com

Review and Comments of the

Draft EIR Eddie Jones Industrial Project

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Section: Executive Summary ES

Subject: DEIR Review Date: 12/6/2023, 4:48 PM

From: Edwin Jenkins <ejenkins@sprintmail.com>

Planning Division ATTN: Rob Dmohowski City of Oceanside 300 North Coast Highway Oceanside, California 92054

SUBJECT: Response to Draft EIR

Proposed Eddie Jones Warehouse Project

250 Eddie Jones Way AKA 3390 Alex Road Oceanside, California 92058

Dear Planning Division,

Below is my response to the draft EIR presented by the developer for the proposed Eddie Jones Warehouse project.

The draft EIR commences with an Executive Summary which presents an overview of the proposed project and itemizes a number of issues that are to be addressed from an environmental impact perspective. Included as attachments are a number of Appendices dealing with specific issues.

This proposed project cannot be viewed in isolation from the activities that would occur therein and on the site; of logical necessity, they will go hand-in-hand in any valid assessment. This proposed warehouse is a spec building, and as of this time, the developer has said there are no tenants. It will be difficult to properly assess the environmental issues resulting from usage of this building when the future tenants and their types of businesses and business activities are unknown.

However, with this being said, the proposed project is a warehouse and distribution facility with 114 truck bays – period! It is irrelevant that the developer has indicated that he will drop the count by half to 57 truck bays. Why? The other 57 truck bay slots will simply be walled off with non-load bearing walls that could be removed at any time in the future and restored to full truck bay usage.

Unfortunately, this EIR is so fatally flawed on so many levels that the Planning Division should reject it in its entirety outright. This EIR would require a substantial rewrite to correct the factually incorrect assertions by the developer that

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09-1

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there are NO significant negative impacts with this project when it is obvious that there ARE significant negative impacts with this project. It is doubtful that the developer will be able to mitigate some of these negative impacts to make this project acceptable. This EIR can best be viewed as unresponsive to the purpose of what an EIR is supposed to achieve; it fails to meet the goals and intent of CEQA.

09-4 Cont.

Furthermore, the proposed project does not provide ANY positives to the City of Oceanside or to the communities (both residential and commercial) adjacent to it and along the Highway 76 corridor. In fact, this proposed project would create negatives on all issues of significant concern to the public, and therefore, to the City of Oceanside.

The citizens of Oceanside are not opposed to development on this site. However, we are adamantly opposed to the construction of this enormous monstrosity which would, by its very presence, impose extreme negative consequences on both the residential and commercial neighborhoods near it, and have other adverse consequences impacting communities all along the entire Highway 76 corridor, and to the City of Oceanside in general. Additionally, and quite importantly, this project would have extreme adverse consequences impairing the functioning of the Prince of Peace Abbey nearby.

09-5

The absolute size of this EIR boggles the imagination. We feel this was intentional on the part of the developer so as to allow them to "bury" pertinent issues somewhere deep within the EIR, making it difficult for interested parties to analyze the information and appropriately respond with their informed concerns. Translation – making it quite difficult to find the needles in the haystack.

09-6

Additionally, and quite importantly, there is a genuine Conflict of Interest between the developer and the company preparing this EIR. If the preparer of this EIR truly had done their due diligence, all the negatives of this project would be factually presented in precise detail with a probable recommendation that this project not go forward. However, if the EIR company actually did such due diligence and recommended against this project, it would be out of business in short order since other developers would not engage the services of such a company that might throw a monkey wrench into their works with an honest and factually correct EIR.

The EIR company therefore is constrained to soft pedal any negatives, only mentioning them "in passing" within the EIR or down playing and/or minimizing the actual impacts with terminology, such as, "less than significant" after mitigation. This approach can easily be achieved by the EIR company by adding

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voluminous amounts of padding material and boiler plate attachments and enclosures, the result of which is to obscure the important issues and concerns regarding the negatives created by this proposed project. Many of the "less than significant" claims in this EIR are basically self-serving opinions; the facts state otherwise.

09-6 Cont.

During the two so-called "Community Outreach" presentations the developer staged earlier this year (which I attended), we were presented with essentially a slick, one-sided, and well-choreographed sales presentation. All of the issues of concern to us were presented with self-serving verbiage seeking to minimize these issues or were deftly avoided by the developer during the presentations and the Question and Answer periods. In fact, it was obvious to those of us in attendance that the developer's sole reason for doing these presentations was to be able to check the "Community Outreach" boxes on the Planning Division's check list for "required" developer actions.

09-7

Now, as to some specifics outlined in the Executive Summary ...

Section ES.1, Introduction

This section states "...public agencies should not approve projects that would result in significant effects on the environment if there are feasible mitigation measures or alternatives that can mitigate or avoid these effects." The hard fact is that some of the significant effects on the environment this project will create cannot be mitigated or avoided and the developer knows this!

09-8

Section ES.4, Identifies "Effects Not Found To Be Significant"

This section states "no impact or less-than-significant impacts" for a number of topics. Among these are greenhouse gas emissions (which are a significant component of air quality that is mentioned in Section ES.5), noise, and traffic and circulation. Unfortunately, it is precisely these three effects that will have significant and severe adverse impacts upon the surrounding residential and commercial neighborhoods, and the people therein. These adverse impacts (especially traffic) will also extend outward along the Highway 76 corridor in both directions and will also adversely affect people living within or utilizing this corridor. Identifying these three significant impact items in this paragraph as essentially insignificant is a blatant attempt to "ignore" their factual importance and thereby virtually sweep them under the rug without due consideration.

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A 114-truck bay warehouse would create a considerable amount of diesel exhaust and carcinogenic particulate matter as diesel semi-trucks continuously enter and exit the facility, generate constant and potential 24/7 noise, and create extreme traffic congestion on Benet Road in particular and Highway 76 between Interstate 5 to the west and Interstate 15 to the east in general.

09-10

Also, as to additional noise, this project would probably have all its HVAC equipment mounted on the building's roof, thereby subjecting the nearby neighborhood and residents to the constant din of this noise from such elevated equipment. Additionally, since there are no known tenants yet for this facility, it is further difficult to assess the added noise potential from future tenant activity. With 114 truck bays, many of which could be open at any one time, the noise generated from within this building from warehouse and/or manufacturing activities (e.g., forklift vehicles, manufacturing equipment, etc.) would be broadcasted to the outside on a rather continuous basis. Collectively, the combination of all noise sources would induce added and cumulative stress upon residents who would have no effective way to avoid this noise health hazard.

09-11

The Highway 76 corridor (from Interstate 5 to College Boulevard) is a shallow valley. In the residential neighborhood immediately to the north of this proposed project, the breezes generally flow from south to north. This would result in all the 24/7 diesel truck pollution from this project moving directly over this neighborhood of over 1,200 homes, on a continuous basis. Additionally, on many evenings, the breezes stop and the air becomes calm and remains still for much of the night. The net result would, in effect, act like an inversion layer over the neighborhood trapping and concentrating this air pollution and carcinogenic particulate matter for significant amounts of time, to the health detriment of all residents. Ignoring this issue is a failure and fatal flaw in this EIR.

09-12

Regarding traffic and circulation, Highway 76 is already subject to extreme congestion, especially so during the extended morning and evening rush hours. All one has to do is stand at the corner of Benet Road and Highway 76 to see this first hand. The use of data from some generally used data bases regarding "average traffic impacts" does not apply here, since the current traffic on Highway 76 would be an outlier on the high side of any such data base. The traffic and circulation numbers the developer has presented to us grossly understates what the actual and expected numbers would be. There needs to be a competent and realistic evaluation of traffic and circulation issues to determine realistic numbers. Ignoring this issue is also a failure and fatal flaw in this EIR.

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The Ocean Kamp project to the immediate east of this project already has approval for over 600 new housing units. These units alone will account for at least 1,400 to 2,000 additional car trips daily on Highway 76. Add to that those trips that will also be generated by use of the Ocean Kamp resort and its adjacent hotel, and traffic congestion will only get much worse. Oceanside does not need a massive infusion of additional semi-truck traffic onto Highway 76 and the gridlock to which it would contribute.

09-13 Cont.

Section ES.5 Identifies "Impacts Determined to be Significant"

This section identifies "air quality" as a significant issue, which goes hand-in-hand with the greenhouse gas discussion under Section ES.4 above. The paragraph then goes on to state:

"However, implementation of mitigation measures would reduce those potentially significant impacts to a less-than-significant level."

This statement is so absurd with regard to air quality. There is no way the developer can reduce or mitigate the air pollution impact from diesel semi-trucks, employee automobiles, fork lift exhaust, etc., to less-than-significant levels. These elements are totally outside the developer's control, or even future tenants' control. The quoted statement from Section ES.4 constitutes a fatal flaw in this EIR in that it states and asserts something that is factually incorrect, and significantly so.

09-14

Section ES.6, Significant and Unavoidable Impacts

This section states "As discussed in this EIR, implementation of the project would not result in any significant and unavoidable impacts." This statement summarizes the developer's self-serving view on this matter, and on its face is absurd, disingenuous, and at odds with reality. Unfortunately, this statement is factually incorrect and the central fatal flaw in this EIR.

09-15

Regarding developer statements on "mitigation," many are simply just self-serving "justification for everything" statements, which are unresponsive to the actual issues of concern and at variance with objective reality.

Section ES.7 Identifies "Analysis of Alternatives"

This section and its subsections address alternatives to the proposed project. Unfortunately, all of the alternatives mentioned (except Section ES.7.1 – No Build)

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still fixate on building one or more similar large buildings, or multistory building(s), with square footage approximating the original proposal. The alternatives presented basically provide a choice between **bad**, **worse** and **worst** possible choices. The optimal alternative is espoused in Section ES.7.1, which is **NO BUILD**.

Absolutely NOWHERE is there any competent discussion of meaningful alternatives to the developer's fixation on warehouse/distribution/manufacturing usage and embracement of the "big box" mentality.

Several viable alternative development ideas have already been voiced by local individuals, but essentially ignored by the developer. Contrary to the developer's contention, Oceanside does not need or want additional warehouse, distribution or manufacturing capacity; this view is supported by the fact that another smaller distribution building project that a developer wanted to build in Oceanside was voted down and not built. The outdated current zoning for this site is unfortunate since it does not provide for (and actually hinders) the highest and best use of this land for today and tomorrow's Oceanside.

Despite any of the developer's assertions and protestations to the contrary, this project provides practically NO meaningful benefits to the City of Oceanside or its residents. The developer's arguments about "jobs" are red herrings. Warehouse jobs are notoriously close to minimum wage. Such future employees would not be able to afford to live in Oceanside due to the high cost of housing, but would necessarily need to commute daily from distant communities (hence more traffic congestion and air pollution). Arguments about the "tax benefits" to Oceanside are also a red herring. Whatever future development occurs on this site will provide a comparable increase in property tax revenue for the City of Oceanside; likewise, regarding any potential sales tax benefits. The only one to benefit from this project will be the developer.

Placement of this project on this site is totally inconsistent with the direction the City of Oceanside is moving for its future. Oceanside's vision for the future is tourism and for Oceanside to be seen as a much sought after "vacation destination" for tourists. To complement this future, development should focus on providing opportunities for additional and meaningful recreational experiences for both tourists and locals, such as Ocean Kamp will do. If the Eddie Jones project were built, it would essentially impose a permanent blight on Oceanside and significantly diminish the quality of life in the surrounding areas.

09-16 Cont.

09-17

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Based on the concerns outlined above, the data presented in Table ES.7-1 (Comparative Summary of Alternatives Under Consideration and Proposed Project) is highly questionable as to its validity, with the exception of the No Build option. Section ES.8 Identifies "Issues to be Resolved by Lead Agency"

The first sentence in this paragraph states:

"The City must review the project and this EIR and determine if the project or one of the alternatives presented in the alternatives analysis should be approved and implemented."

09-19

Given that this proposed project has numerous significant adverse negative environmental impacts on the residential and commercial neighborhoods in the area, and presents NO positive aspects for the City of Oceanside or its residents, the only viable choice for project approval is that presented under Section ES.7.1 – the NO BUILD option. Any of the other options enumerated under Section ES.7 would be to the detriment of the City of Oceanside and its citizens. This project, as currently outlined, should under no circumstances be approved or built.

Recommendations:

Given all the extensive shortcomings outlined above regarding this draft EIR, the bottom line is that the Planning Division:

09-20

- 1. Should reject this draft EIR as presented due to the many identified fatal flaws and factually incorrect assessments presented therein.
- 2. Should require the developer to fully redo their draft EIR to correct these noted deficiencies and resubmit a revised draft EIR for reconsideration; such a revised draft EIR must, of logical necessity, embrace factually correct assessments of the issues.
- Should require the developer to provide meaningful and useful alternative development options to their singular "big box" fixation approach as currently expressed in Section ES.7.

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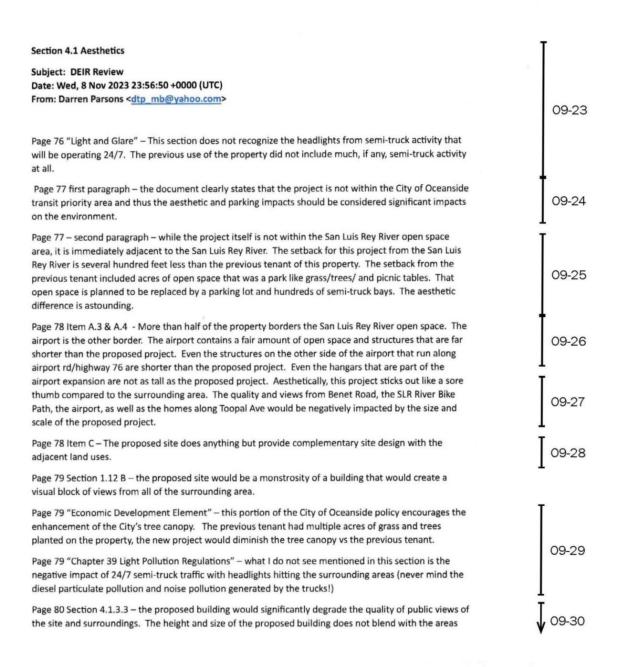
- Should require the developer to retain the NO BUILD option currently identified in Section ES.7.1 in any revised EIR document (both draft and final).
- 5. If the developer is unwilling to redo their fatally flawed draft EIR, then deny approval of this entire project forthwith (select the NO BUILD option).

Sincerely yours,

Edwin Jenkins 543 Blue Jay Court Oceanside, CA 92058

858-449-3015

09-22



| immediately surrounding – with strong emphasis on the project NOT blending with the San Luis Rey River and adjacent homes. The proposed building height exceeds anything surrounding the site. | ↑ 09-30 Cont. |
|---|------------------|
| Page 81 – Paragraph beginning with "The Project is zoned IL" – The CUP to allow an exception to the Light Industrial allowed number of truck terminals would be a disaster to the surrounding area and it's uses. The project simply does not fit with the surrounding area. I do not believe that any attempt at trying to create a building of this magnitude and size would create "visual interest". I would liken that objective to putting lipstick on a pig. | 09-31 |
| Page 83 — second paragraph — "the project site is an an urbanized area and is surrounded by existing development with existing sources of day and nighttime lighting" - This statement fails to recognize that one size of the property is the San Luis Rey River that is not developed and has zero sources of day or nighttime lighting. This statement in the EIR is a falsehood. The impact of the lighting on the outside of this building is very substantial vs the previous tenant due to the obscene size of this proposed building. | 09-32 |

Section 4.2 Air Quality and Executive Summary

Subject: DEIR Review

From: Darin Selnick, Oceanside Resident and Oceanside Speaks Out Member

To: Rob Dmohowski, Principal Planner at the City of Oceanside's Planning Division

SUBJECT: Eddie Jones Warehouse, Manufacturing and Distribution Facility Project, Draft Environmental Impact Report (DEIR) Review and Discrepancy Comments

Per the October 26, 2023, email you sent out, below is my review and comments on the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project, Draft Environmental Impact Report (DEIR) documentation.

Below are statements from the project applicant and my responses to those statements pointing out the flaws and discrepancies in their analysis, conclusions and results. The specific areas I have provided comment on include the Executive Summary and Air Quality Sections 4.2 and 6.4.2.

Overall Flaw with the DEIR: Overall there is one major fatal flaw with the DEIR, the operation and land use of the project after construction, which renders the DEIR analysis, conclusions, results and mitigation invalid throughout the document. This DEIR is predicated on the project applicant doing an analysis, results and mitigation based on construction, operation and land use of the project, "proposed warehouse and distribution facility is classified as a Wholesaling, Distribution, and Storage Facility use by the Oceanside Zoning Ordinance (OZO)".

However, the project applicant both in private and public meetings has stated that the actual operation and land use of the project will not be determined until after the project has been built and the four walls have been built. This is a classic bait and switch tactic often used by developers. Therefore, the DEIR may not be valid if after construction the operation and land use is leased out for a different use which the project applicant has plainly stated it intends to do.

In a public meeting on July 12, 2023, and stated in a July 21, 2023, email, the project applicant stated "Adam shared at the meeting that the economics of the project require a high-quality tenant to make the project financially viable. In other words, the type of tenant that would be able to afford the rent. The building is designed to include manufacturing, warehouse and office use. While it is too soon to sign a tenant now, RPG is focused on a life science tenant. In Oceanside, there is a demand for this kind of facility to meet the needs of this growing industry". To be clear, this DEIR is NOT based on a life science tenant but on mostly warehouse and distribution and some manufacturing, therefore the DEIR is rendered invalid as the project applicant intends a different lease and tenant(s) after construction, which is different than the stated intended operation and land use contained in the DEIR.

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Executive Summary Comments

Page 18:

Statement: 60 truck trailer parking stalls, and a vehicle circulation area. Loading bays are proposed on the north and south sides of the building, with a total of 114 truck terminals. Access to the project site would be maintained and improved as necessary, with existing access points from Alex Road at the northeast corner and Benet Road at the southwest corner. The Alex Road access would be limited to passenger vehicles, and heavy truck traffic would be limited to the Benet Road access point.

Response: There is nothing in the DEIR that proves Alex Road would be limited to passenger vehicles and heavy truck traffic would be limited to Benet Road. There is nothing to stop the heavy truck traffic from using Foussat and Alex Road when driving west on highway 76. In fact, there already have been complaints from residents by the Airport of heavy trucks using Foussat to connect to Benet and driving through the neighborhood. This is often due to the heavy traffic on highway 76 and the backups due to traffic and accidents.

Statement: The proposed warehouse and distribution facility is classified as a Wholesaling, Distribution, and Storage Facility use by the Oceanside Zoning Ordinance (OZO). Wholesaling, distribution, and storage facilities over 50,000 square feet in floor area require approval of a Conditional Use Permit to be established in the IL zoning district, pursuant to the OZO. Wholesaling, distribution, and storage facilities with more than six heavy trucks on the premises at one time are considered trucking terminals pursuant to the OZO. Trucking terminals also require approval of a Conditional Use Permit to be established in the IL zoning district. Response: Normal zoning for the three combined sites would only allow 18 heavy trucks on the premises at one time, while the DEIR proposes up to 114 truck terminals and 60 truck trailer parking stalls. This far exceeds by almost 10 times what the area is zoned for and therefore is excessive and should not be allowed. Normal zoning for the three combined sites would only allow 150,000 square feet in floor area and this project requests over three times that amount with 566,905 square feet. This is excessive and should not be allowed. Finally, since the project applicant has stated in the July 12, 2023 public forum that it does not intend lease the project as the proposed warehouse and distribution facility and instead due to economics find life sciences tenants, then the DEIR needs to be redone based on the project being used for life sciences.

Statement: Project Objective 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.

Response: The proposed project is minimal on employment generation. According to the RPG commissioned economic study, there would be only 499 jobs and an annual net economic impact of only \$72,103 to the City of Oceanside. Considering the size of this project, 566,905 square feet, these numbers show the project does not provide robust employment and therefore minimally fulfills the project objective. It would be more beneficial to the City of Oceanside and the project applicant to develop the project with a different land use under the zoning that would create more and higher paying jobs with a greater positive economic impact.

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Statement: Project Objective 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. Response: The proposed warehouse and distribution facility minimally takes advantage of but 09-39 does not enhance existing infrastructure. Instead, the project with 114 truck terminals and 60 truck trailer parking stalls is a burden to State Route 76 which is already overcrowded and does nothing to improve the Oceanside Municipal Airport. Statement: Project Objective 5: Fulfill a demand for industrial and manufacturing uses in the Response: This is mostly a warehouse and distribution facility, which does not meet this objective. There is neither a need nor demand in the City of Oceanside for a Warehouse, 09-40 Manufacturing and Distribution Facility Project, which is 2/3 warehouse and consists of mostly low paying jobs. A different operation and land use would fulfill this project objective, such as bio tech or life sciences. Page 19: Statement: Project Objective 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. 09-41 Response: Since after construction the actual operation and land use of the project is unknown and to be determined, the DEIR is unable to say with any certainty or validity that the project will meet the objective and comply with the development, intensity, noise, use, and other restrictions imposed by the Oceanside Municipal Airport Land Use Compatibility Plan Statement: ES.2.4. Additionally, wholesaling, distribution, and storage facilities with more than six heavy trucks on the premises at one time are considered trucking terminals pursuant to Section 415(I)(1) of the zoning ordinance. Trucking terminals also require approval of a Conditional Use Permit to be established in the IL zoning district pursuant to Section 1320 of the zoning ordinance. Furthermore, a variance is also requested to allow small height increases for portions of the floodwall designed to surround the property. The City would use this EIR and associated documentation in its decision to approve or deny the required discretionary permits. 09-42 Response: The DEIR proposes up to 114 truck terminals and 60 truck trailer parking stalls. This far exceeds by almost 10 times what the area is zoned for and therefore is excessive and should not be allowed. Normal zoning for the three combined sites would only allow 18 heavy trucks on the premises at one time. This is excessive and should not be allowed. Therefore, the city should deny the required discretionary permits since they are considerably excessive, not

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justified and add little value to the city,

Page 20:

Statement: ES.4 Effects Not Found to Be Significant - The project would result in no impact or less-than-significant impacts in the following CEQA topic areas: aesthetics, agriculture and forestry resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, traffic and circulation, tribal cultural resources, utilities and service systems, and wildfire. 09-43 Response: Since after construction the actual operation and land use of the project is unknown and to be determined, the DEIR is unable to say with any certainty or validity that the project effects are not found to be significant. If the project applicant does end up leasing to a life sciences company as proposed in the July 12, 2023, public forum, then there is a significant possibility that there could be significant impacts on greenhouse gas emissions, hazards and hazardous materials, noise, traffic and circulation. A new DEIR would need to be accomplished on the actual operation and land use leases and tenants in order to be certain of the effects. Statement: ES.5 Impacts Determined to Be Significant - Table ES.5-1 provides a summary of significant project-related impacts pursuant to the CEQA Guidelines Section 15123(b)(1). Impacts associated with air quality, biological resources, and cultural resources were identified as significant. However, implementation of mitigation measures would reduce those potentially significant impacts to a less-than-significant level. 09-44 Response: Analysis and implementation of mitigation measures are flawed as they only take into account construction and not the actual operation and land use of the project which is unknown and to be determined until the project has been built, leased and has tenants. Therefore, it is invalid to state that implementation of mitigation measures would reduce those potentially significant impacts to a less-than-significant level. Page 21-22: Table ES.5-1. Summary of Significant Environmental Impacts. Statement: Air Quality Impact - The project would result in significant impacts related to emissions of criteria air pollutant emissions during construction. 09-45 Mitigation Measure - Require Low-Volatile Organic Compound Coatings During Construction Response: The problem with these mitigation strategies is that they only address during construction. Not the use of the facility after construction since the actual operation and land use of the project is unknown and to be determined. **Statement: Biological Resources** Impact - Potential impacts to foraging and/or breeding and nesting habitat for special-status Mitigation Measure: Nesting Bird Surveys. Construction-related ground-disturbing activities 09-46 (e.g., clearing/grubbing, grading, and other intensive activities) that occur during the breeding season (typically February 1 through September 15). Mitigation Measure: 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

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qualified biologist. Periodically monitor the construction site after grading is completed and during the construction phase.

Response: The problem with this mitigation measure is that it only addresses potential impacts and mitigation during construction, not after. Since the actual operation and land use of the project is unknown and to be determined, or as indicated by the project applicant likely to be a life sciences tenant(s), then the potential impacts to foraging and/or breeding and nesting habitat for special-status wildlife species is unknown. A new DEIR should be completed to take into consideration the stated real possible use of the facility after construction, life sciences.

Page 28: Table ES.5-1. Summary of Significant Environmental Impacts.

Statement: Traffic and Circulation

Impact - Impact TRA-1: The proposed project exceeds the VMT threshold by 2.9%. Mitigation Measure – 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%

Response: The mitigation proposed will not work since the project applicant is not the employer for the future employees. Therefore, it is unknown if any mitigation will occur or be used by the tenant's employees. VMT reduction of 6.2% is impossible to state and not valid since it is unknown if tenants will offer the incentives or if employees will take the voluntary incentives.

Page 30:

Statement: ES.6 Significant and Unavoidable Impacts As discussed in this EIR, implementation of the project would not result in any significant and unavoidable impacts.

Response: Stating that "implementation of the project would not result in any significant and unavoidable impacts" is flawed and invalid since the analysis was based on an invalid operation and land use of the facility after construction. As stated by the project applicant in a public meeting on July 12, 2023, RPG is focused on a life science tenant, not manufacturing, warehouse and office use.

Statement: ES.7 Analysis of Alternatives: Pursuant to CEQA Guidelines, EIRs are required to "describe a range of reasonable alternatives to the project.

Response: The project applicant did not provide a full range of reasonable alternatives. In addition to ES.7.2 Multi-Building Alternative, public commentators requested an alternative be addressed in this DEIR in several public and private meetings held by the project applicant. The reasonable alternative would be changing the use of the facility to life sciences or biotechnology.

The project applicant suggested in a public meeting on July 12, 2023, and stated in a July 21, 2023, email, a preferred alternative use which they did not use in the DEIR. "Adam shared at the meeting that the economics of the project require a high-quality tenant to make the project financially viable. In other words, the type of tenant that would be able to afford the rent. The building is designed to include manufacturing, warehouse and office use. While it is

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too soon to sign a tenant now. RPG is focused on a life science tenant. Therefore, since the real intended preferred alternative for the project applicant is life sciences, then they should be required to redo the DEIR with that alternative use. Statement: ES.7.1 No Project (No Build) Alternative: Under the No Project Alternative, the proposed project and associated improvements would not be implemented, and the project site would remain as a previously disturbed site without any new improvements. Response: This is the best alternative to the proposed project based on all of the presented 09-50 alternatives. With an economic net positive impact of only \$72,000 per year, the current project proposal should be scrapped. The project applicant could then come back with an alternative project proposal that would lessen the impacts by proposing a more advantageous use for the site such as life sciences and biotechnology. Statement: ES.7.2 Multi-Building Alternative: This alternative was requested to be addressed in this EIR by public commenters. The goal of this alternative would be to reduce the building footprint and single-building massing when compared with the proposed project. Under the Multi-Building Alternative, the site would be developed with industrial uses similar to the proposed project and consistent with the General Plan land use and zoning designation for the 09-51 Response: Although requested to be addressed in the DEIR by public commentators, it was not the preferred alternative, which as life sciences and biotechnology. It is inconsistent for the project applicant to address the Multi-Building Alternative but not address the most request life sciences and biotechnology alternative. Therefore, the DEIR should be redone with the preferred alternative which even the project applicant has stated in their July 12, 2023 public meeting was their preferred alternative. Page 33: Table ES.7-1. Comparative Summary of Alternatives Under Consideration and **Proposed Project** Statement: No Project (No Build) Alternative: No impact (reduced) for all four environmental topics; Air quality, Biological resources, Cultural resources, Traffic. Response: No Project (No Build) Alternative is the only viable path forward as presented in the 09-52 EIR. This is due to several factors. First, it is the only alternative that has a no impact (reduced) for the project. Second, the developed has stated there is very little positive economic impact for the city of Oceanside, \$72,000 per year, and that it is not economically feasible to lease the project out as a Wholesaling, Distribution, and Storage Facility. Therefore, either go with the No Project (No Build) Alternative or develop a new alternative that is economically viable for Oceanside and the project applicant, which at the same time has similar or reduced impact. Page 42: 2.1.4 Existing Zoning Designations Statement: City Zoning Ordinance Article 13 (Industrial Districts) outlines the regulations of the Inland Industrial Districts. As presented in Section 1310 of the Zoning Ordinance, the specific 09-53 purposes of the industrial districts are as follows: · Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses.

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• Strengthen the city's economic base and provide employment opportunities close to home for residents of the city and surrounding communities.

Minimize the impact of industrial uses on adjacent residential districts.

Response: The proposed Eddie Jones Warehouse, Manufacturing and Distribution Facility Project is not consistent with the General Plan, nor does it strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.

It is not consistent with the General Plan since it requires Conditional Use Permits to be established in the IL zoning district which normally would only allow for 18 heavy trucks on the premises at one time, while the DEIR proposes up to 114 truck terminals and 60 truck trailer parking stalls. This far exceeds by almost 10 times what the area is zoned for and therefore is excessive and should not be allowed.

It does not strengthen the city's economic base and provide employment opportunities since most of the 499 jobs would be low paying warehouse and distribution positions and the project applicant economic analysis only shows a positive economic impact for the city of Oceanside of \$72,000 per year.

Air Quality Comments

Page 93: 4.2 Air Quality

Page 112 Statement: Operation of the proposed project would generate VOC, NOx, CO, SOx, PM10, and PM2.5 emissions from mobile sources (vehicle trips), area sources (consumer products, landscape maintenance equipment), and energy sources. As discussed above and in Appendix B, pollutant emissions associated with long-term operations were quantified using CalEEMod based on the Project's manufacturing and warehouse land uses.

Page 122 Statement: As shown in Table 4.2-12, the DPM emissions from operation of the project would result in a Residential Maximum Individual Cancer Risk of 1.33 in 1 million and a Residential Chronic Hazard Index of 0.0004.

Response: The Air Quality analysis and mitigation are flawed and invalid since it doesn't address the actual operation and land use of the project. The project applicant states the operation is based on the project's manufacturing and warehouse land uses. However, the project applicant has stated in open meetings that there are multiple possible uses for the project after construction, such as bio tech and life sciences, and that the actual leases, operation and land use will not be determined until after construction. Since the actual operation and land use of the project is unknown and to be determined, the air quality analysis is flawed, invalid and can't be used.

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6.4.2 Air Quality, Page 409

Statement: Operational emissions generated by the project would not result in emissions that exceed significance thresholds for any criteria air pollutant. As such, the project would result in less-than-significant impacts to air quality.

Statement: As a result, the project would not result in a cumulatively considerable contribution to air quality, and cumulative impacts for construction and operation would be less than significant for the project.

Response: Same flawed analysis and conclusion as provided in 4.2 Air Quality. Since the actual operation and land use of the project is unknown and to be determined, the air quality analysis that the project would result in less-than-significant impacts to air quality is flawed, invalid and can't be used.

SUBJECT: Eddie Jones Warehouse, Manufacturing and Distribution Facility Project, Draft Environmental Impact Report (DEIR) Review and Discrepancy Comments

Per the October 26, 2023, email you sent out, below is my review and comments on the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project, Draft Environmental Impact Report (DEIR) documentation.

Below are statements from the project applicant and my responses to those statements pointing out the flaws and discrepancies in their analysis, conclusions and results. The specific areas I have provided comment on include the Executive Summary and Air Quality Sections 4.2 and 6.4.2.

Overall Flaw with the DEIR: Overall there is one major fatal flaw with the DEIR, the operation and land use of the project after construction, which renders the DEIR analysis, conclusions, results and mitigation invalid throughout the document. This DEIR is predicated on the project applicant doing an analysis, results and mitigation based on construction, operation and land use of the project, "proposed warehouse and distribution facility is classified as a Wholesaling, Distribution, and Storage Facility use by the Oceanside Zoning Ordinance (OZO)".

However, the project applicant both in private and public meetings has stated that the actual operation and land use of the project will not be determined until after the project has been built and the four walls have been built. This is a classic bait and switch tactic often used by developers. Therefore, the DEIR may not be valid if after construction the operation and land use is leased out for a different use which the project applicant has plainly stated it intends to do.

In a public meeting on July 12, 2023, and stated in a July 21, 2023, email, the project applicant stated "Adam shared at the meeting that the economics of the project require a high-quality tenant to make the project financially viable. In other words, the type of tenant that would be able to afford the rent. The building is designed to include manufacturing, warehouse and office use. While it is too soon to sign a tenant now, RPG is focused on a life science tenant.

In Oceanside, there is a demand for this kind of facility to meet the needs of this growing industry". To be clear, this DEIR is NOT based on a life science tenant but on mostly warehouse and distribution and some manufacturing, therefore the DEIR is rendered invalid as the project applicant intends a different

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Section 4.2 Air Quality

Subject: DEIR Review Date: Fri, 17 Nov 2023 21:37:33 +0000 From: Kimberly Johnson <kimberlyan2@hotmail.com> Dmohowski@oceansideCA.org < Dmohowski@oceansideCA.org Eddie Jones 4.2 Air Quality 09-59 4.2.1 page 4.2-2 Air Pollution Climatology. The following excerpt supports our opposition to the project due to the increased CO concentrations due to the increased vehicle operations, During the fall and winter, air quality problems are created due to carbon monoxide (CO) and oxides of nitrogen (NOx) emissions. CO concentrations are generally higher in the morning and late evening. In the morning, CO levels are elevated due to cold temperatures and the large number of motor vehicles traveling. Higher CO levels during the late evenings are a result of stagnant atmospheric conditions trapping CO in the area. Since CO is produced almost entirely from automobiles, the highest CO concentrations in the SDAB are associated with heavy traffic. 4.2.1 page 4.2-2 Sensitive Receptors. The following paragraph supports our opposition to the project. Specifically, the distance noted (2 km from SLR encompasses the entire neighborhood north of the airport), People who are considered sensitive receptors may experience reduced visibility, eye irritation, and adverse health impacts, which are the most serious hazards of existing air quality conditions in the area. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely 09-60 to be affected by air pollution, as identified by the California Air Resources Board (CARB), include children, the elderly, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, retirement homes, health clinics, and hospitals within 2 kilometers of the facility. The closest sensitive receptors to the project site are single-family residences approximately 0.15 miles north, across the San Luis Rey River. 4.2.1 page 4.2.11-12 Air Quality Monitoring Data. The concern with paragraph and accompanying table 4.2-3 is that Camp Pendleton was only used for O3 and NO2 data and El 09-61 Cajon was used for the remainder (CO, SO2, PM10, and PM 2.5). The distance between the two locations is approximately 47 miles which is a significant distance and does not provide accurate information germane to our neighborhood. 4.2.4 page 4.2-17 Impacts Analysis As stated on the Oceanside Chamber of Commerce webpage, the Oceanside Industrial Park was intended to "atract light manufacturing and industry." 09-62 https://www.oceansidechamber.com/oceanside-blog/history-of-oceansides-first-industrial-park The DEIR states "If a project proposes development that is greater than that anticipated in the

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local plan and SANDAG's growth projections, the project might be in conflict with the SIP and RAQS and may contribute to a potentially significant cumulative impact on air quality. The City of Oceanside General Plan identifies the site as Industrial. The existing land use designation and zoning allows for wide range of industrial uses, including warehouse, storage and distribution facilities. The proposed project is consistent with the underlying land use and zoning for the project."

1. The General Plan designation for the property is Light Industrial (LI), with the associated zoning category of Limited Industrial (IL). This is in conflict with the definition provided on the City of Oceanside website. It states, "IL Limited Industrial District. To provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses. https://www.ci.oceanside.ca.us/home/showpublisheddocument/4022/637953037195830000 Therefore, I disagree with the last sentence that this project 1) is in the spirit of the intended use and 2) will not have a significant impact on the air quality

4.2.4 Operational Emissions, page 4.2-20. The DEIR changes the measurement from the comparison table (4.2-3) to their estimated impact tables (4.2-4 through 4.2-8). The comparison table provides information in parts per million (ppm) and the estimated impact tables provides information in pounds per day. While they may be within local and state standards, the information does not show the actual increase/impact. Just because the emissions are within standards does not mean the project will not have an adverse effect on the current residents and businesses.

Page 4.2-25 The SCAQMD conducted CO modeling for the 2003 Air Quality Management Plan 2003) for the four worst-case intersections in the South Coast Air Basin. What the DEIR fails to detail is the size of the roads/intersection. Wilshire Blvd and Veteran Ave: Wilshire Blvd is a sixlane road and Veteran Ave is a four-lane road in an urban environment. Sunset Blvd is a four-lane road and Highland Ave is a four-lane road in an urban environment. La Cienega Blvd is a six-lane road and Century Blvd is a six-lane road in an urban environment. Long Beach Blvd is a six-lane road and Imperial Hwy is a six-lane road in an urban environment. Comparing the air quality impact to two-lane residential roads that intersect with Highway 76 in a suburban environment is not a commensurate comparison.

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Section 4.3 Biological Resources

Subject: DEIR Review

Date: Mon, 20 Nov 2023 09:38:38 -0800

From: Carol McConnell <cmcconnell4444@gmail.com>

Sections 4.3 Biological Resources and 6.4.3

I've read it fully, TWICE, along with it's accompanying Appendix C called "Biological Technical Report"

There are no special plants to protect; but there are TWO "Special Status Species" that live, feed or nest in the project site. One is a lizard and one a bird of prey. (See photo attachments below...)

To accommodate these two special status species, they propose having a Biologist (72 hours prior to construction beginning) survey for nesting sites. If anything is found, the Biologist will build a fence around it and regularly monitor the nest's status.

It seems incredulous that a lizard or bird would stay in a construction zone due to a temporary fence, but from everything I've read regarding standards in Field Biology, this is an accepted practice.

THE PART THAT IS MOST NOTEWORTHY:

The Biological section describes in detail the impacts on plants and wildlife that will be sustained during the +/-12 month construction process.

Examples are things like fugitive dust affecting plant respiration, phytotoxic gaseous pollutants, etc..... AND, Possible release of fuels, oils, lubricants, paints, other construction materials that may affect neighboring plants and wildlife.

The report repeatedly mentions plants and wildlife, but there is NO ANALYSIS of how it will affect the young people outdoors at the Skate Park (immediately downwind from the construction site.) Or, the people exercising / bicycling along San Luis River Trail. These PEOPLE will be inhaling all of these contaminants as they walk, run, bicycle immediately adjacent to the site.

**** The outdoor human recreational impact is completely missing from this Draft EIR. ****

This is a huge oversight that the City needs to address. That is, both the short term impacts during the +/- 12 months of construction AND the long term permanent exposure to pollutants of people exercising at the Skate Park and Recreation Trail.

Three observations right off the top:

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- 1. "Fire Response Technical Memorandum" (Appendix K) analyzes Medical and Fire Services Access. However, it only evaluates meeting needs of incremental 590 employees in the new Warehouse. ** It fails to address medical / fire services access of the 1200 homes North of the River restricted by physical bottlenecks crossing the River at Benet and Foussat Roads.
- 2. "Vehicle Miles Traveled Analysis" (Appendix J) in the introductory pages of its analysis says that the building will be 30% Manufacturing and 70% Warehouse. **It completely ignores mentioning that the building can also be used as a Distribution Facility with truck traffic. The document cites minimal impact on miles traveled in the area because it only considers passenger cars for the 590 warehouse employees. I did NOT see trucks referenced in this document at all.
- 3. Pictures are worth a thousand words. In the main 400+ Report around page numbers 80-90 there are architectural model images that clearly display the massive size of the building, including rows of trucks lined up at truck bay doors.





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Section 4.4 Cultural Resources

Subject: DEIR Review

Date: Wed, 8 Nov 2023 23:37:15 +0000

From: Alan Waite <battcar@sbcglobal.net>

Nov 8, 2023

Review of Draft EIR Eddy Jones Warehouse, Sections 4.4 and 6.4.4, both titled "Cultural Resources"

[by Alan Waite, property owner/resident of California Brisas, Oceanside, CA (adjacent to the EJR Project)]

Section 4.4 Cultural Resources

- 1. DEIR Report Dated: October, 2023, section length 14 pages.
- 2. The introduction describes existing cultural resources of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures, as necessary, related to implementation of the proposed EJ Warehouse (proposed project or project). The analysis is based on the Negative Cultural Resources Phase I Inventory Report for the Eddie Jones Industrial Way project prepared by Dudek in March 2023 and the **Cultural Resources Report for the Historical Assessment of the Property at 250 Eddie Jones Way prepared by Kristi S. Hawthorne in March 2022, which are included as Appendix D-1 and Appendix D-2 to this environmental impact report (EIR), respectively.
- 3. Further Sections/Headings include descriptions of:

"Existing Conditions"

"Methodology":

- Records Search
- Archival Research
- · Intensive Pedestrian Survey

"Regulatory Setting":

- Federal (including National Historic Preservation Act, Executive Order 11593, Protection and Enhancement of the Cultural Environment, & National Register of Historic Places)
- State (Native American Historic Cultural Sites, California Native American Graves
 Protection and Repatriation Act, California Register of Historical Resources, California
 Environmental Quality Act, California Health and Safety Code Section 7050.5, Assembly
 Bill 52 (which took effect July 1, 2015, establishes a consultation process between

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California Native American Tribes and lead agencies in order to address tribal concerns regarding project impacts and mitigation to TCRs.)

 Local (City of Oceanside General Plan, & City of Oceanside Historic Preservation Ordinance)

"Thresholds of Significance"

"The significance criteria used to evaluate the project impacts to cultural resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to cultural resources would occur if the project would:

 Cause a substantial adverse change in the significance of a historical resource, or <u>archaeological resource</u> pursuant to CEQA Guidelines, or <u>disturb any human</u> <u>remains</u>, including those interred outside of formal cemeteries."

4. "Impacts Analysis"

(Essentially this section provides the summary conclusion:) "The project would not
cause a substantial change in the significance of a historical or archaeological resource...and
no potential indirect impacts to historical resources were identified, as the proposed project
has no impact to the built environment beyond the project site. Therefore, impacts would
be less than significant."

Section 6.4.4 Cultural Resources

 DEIR Report Dated: October, 2023, section length 1 page. This single page summary essentially repeats what has already been stated in section 4.4..."Therefore, cumulative impacts related to cultural resources are determined to be less than significant."

**Appendix D-2 CULTURAL RESOURCES REPORT FOR THE HISTORICAL ASSESSMENT OF THE PROPERTY AT 250 EDDIE JONES WAY OCEANSIDE, CALIFORNIA

1. Dated: March 5, 2022, section length 67 pages.

[Which perhaps provides some explanation as to why the Deutsch/TE Electronics site/buildings were demolished beginning shortly thereafter this document was completed.]

2. (Ref Pg 1.) I. INTRODUCTION:

"This letter details the findings of the historical assessment conducted for a set of industrial buildings located at 250 Eddy Jones Way in the City of Oceanside, California 92058. This study was conducted to assess the property's potential for historical significance as defined by the California Environmental Quality Act, as well as the impact of the proposed project. This building was not included in the City of Oceanside's Historical Resources Inventory conducted in 1992."

II. PROJECT DESCRIPTION:

"The project plans for demolition of the existing structures to make way for new development in the way of <u>industrial warehousing</u>."

Cont.

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- (Ref Pgs. 2-10) provides historical background, including plats, deeds, & ownership listings for the site beginning in the early 1800's up to & including 2021.
- (Ref Pg. 14-18) provides ELIGIBILITY CRITERIA relative to the CALIFORNIA ENVIRONMENTAL QUALITY ACT.

"Under the California Environmental Quality Act (CEQA), a significant historic resource is one that is eligible for listing in the California Register of Historical Resources/National Register of Historic Places or other local historic register, or is deemed significant in a historical resource survey"...

In order to be eligible for listing under the California Register/National Register... a resource must be significant within a historic context and must also meet one or more of the following criteria: (the report indicates details regarding; A "Event", B "Person", C "Design/Construction", D "Information Potential")

5. (Ref Pg 18) IX. CONCLUSION

The subject property, an industrial plant located at 250 Eddy Jones Way, is not eligible for listing under any Criterion.

Should you have any questions, please feel free to call me (Kristi S. Hawthorne at 760-390-4192. 601 South Ditmar Street, Oceanside CA 92054).

[Additional commentary by the reviewer: Of significance to me was appendix D-2 author's discussion (ref. pg.10, and photographs within the reports attachments) regarding major flooding having occurred in 1916 ("100 year flood"), 1969, 1978, 1980, & 1983. Additionally, "The large plant (Deutsch Co.) was built just south of the San Luis Rey River but within its floodplain or basin."!!!... By 1984 Alex Deutsch built his own levees to protect his property without permission from the City of Oceanside. The Army Corps of Engineers were planning a 250-year flood control channel, but Deutsch argued the cost of such a project was exorbitant, and that the length of time to build such a plan too great. In 1990 the Oceanside City Council voted to support Deutsch's campaign to redesign the \$43.6 million San Luis Rey Flood Control project, reducing the channel width from 500 to 400 feet. The flood control project would eventually be completed in stages over several years."]

Is the Eddie Jones Project site REALLY a safe & suitable location for a major industrial complex/warehouse?!!!

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Section 4.5 Energy

Subject: OSO DEIR Assignment

From: Debby Wanamaker < OCSWana@gmail.com>

Date: 11/7/2023, 9:57 AM

EDDIE JONES WAREHOUSE, MANUFACTURING AND DISTRIBUTION FACILITY PROJECT

Before delving into the DEIR details, I want to protest that this project is NOT Light Industrial as allowed under the CUP (conditional use permit) and should have never been approved.

According to *USLegal.com* "light industries cause relatively little pollution when compared to heavy industries. As light industry facilities have less environmental impact than those associated with heavy industry."

The Complete Real Estate Encyclopedia contains a similar definition:

"Light industry usually consists of nonpolluting users with moderate energy demands engaged in assembling projects, sewing, baking, or cleaning."

In Putting Atlanta Back to Work the following distinction is made between light and heavy industry: Generally, to locate in a light industrial zone, a business must not produce any loud noises, vibration, noxious fumes, or other hazardous byproducts-beyond the property line."

CITY OF OCEANSIDE COMPREHENSIVE ZONING ORDINANCE, Article 12 states LIGHT INDUSTRIAL ZONE – M-1 ZONE) "It is the purpose of the Light Industrial Zone to allow a wide diversity of industrial uses under minimum development and operational controls in areas where such uses will not have an <u>adverse effect upon adjacent</u> <u>residential areas</u>. The uses permitted are those generally regarded as "Light Industry," conducted primarily indoors, but which may require limited outdoor storage or assembly areas."

SECTION 1215: PERFORMANCE STANDARDS. All uses permitted in the M-1 district shall be subject to the following limitations:

- (1) Noise or vibration created by or resulting from any industrial machinery or process shall not be audible beyond the limits of the industrial zoned area and shall conform to the standards adopted in the Noise Element of the General Plan.
- (2) Odors, glare, heat, or lighting created by or resulting directly from any use shall not be perceptible at any point beyond the industrial area.
- (3) Discharge into the atmosphere of air contaminants shall be subject to all requirements of the San Diego Air Quality and Air Pollution Control Board.
- (4) Water supply, drainage, rubbish and waste disposal systems and practices shall conform with all applicable codes and standards.
- (5) Industrial activities shall be of such nature as not to cause damage or nuisance to the health, safety, peace, or general welfare of persons residing or working in the vicinity of the industrial park.

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Who ever approved the CUP was not aware of these standards? Even a layperson would realize that 114 bays with diesel trucks pulling in and out of them would cause some issues as noted above. Now to the details in the DEIR: 4.5.1 ENERGY: This section describes the existing energy conditions of the project site, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed Eddie Jones Warehouse, Manufacturing & and Distribution Facility Project (project or proposed project) in the City of Oceanside. Under 4.5.3 Thresholds of Significance there are 4 tables that show demands for Diesel and Gasoline during the construction of this building which will take about 1 year as per the developer. Table 4.5-2. Construction Equipment Diesel Demand - 33,020.86 **GALLONS** 09-77 Table 4.5-3. Construction Worker Vehicle Gasoline Demand - 26,117.44 GALLONS Table 4.5-4. Construction Vendor Truck Diesel Demand - 26,997.42 GALLONS Table 4.5-5. Construction Haul Truck Diesel Demand - 7,704.98 GALLONS The above diesel categories total 67,723.26 gallons. 22.38 pounds of Co2 is produced by burning 1 gallon of diesel fuel. Therefore 1,515,646,56 pounds of Co2 will be produced during the year. AND 19.64 pounds of Co2 is produced by burning 1 gallon of gasoline. Therefore 26,117.44 gallons of gasoline will produce 512,946.52 pounds of Co2. What is the impact? TOTAL OF Co2 DURING CONSTRUCTION WILL BE 2,028,593.08 POUNDS! Even though Co2 is 1.5 times heavier than air our winds from the ocean can blow this up our hills to 1200 homes and across Foussat to the 700 homes and Wave Park which will affect our children, our pets, ourselves, and the environment. 09-78 In 2022, the Union of Concerned Scientists released an update to their 2005 report stating that heavy-duty diesel vehicles alone account for 20% of all NOx and 25% of Particulate Matter which irritates the eyes, nose, throat, and lungs. Although everyone is susceptible to particulate pollution, children, the elderly, and individuals with preexisting respiratory conditions are the most vulnerable. Table 4.5-6. Mobile Source Fuel Consumption - Operations - 535,422.83 **GALLONS** 09-79 The table above shows the amount of diesel 106,888.95, and gasoline 428,533.88 during the first year of Operations. But how can the developer come to these numbers

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| when they do not know who will be leasing the building? This is just a wild guess by the developer. | 1 09-79 Cont. |
|--|------------------|
| Operational Use – Electricity, pages 4.5-15 and 16, outlines SDGE's ability to handle the needs of this project; however, we have experienced various "blackouts" during the summer where the demand is greater than SDGE's ability to provide all the electrical needs. And we have a wave park, 700 homes, a hotel, and several small businesses off Foussat that will be joining the "grid". And, as stated above, the developer does not know who will occupy the property and may need 24-hour electricity. This is also a wild guess by the developer. | 09-80 |
| 6.4.5 Energy Second Paragraph, page 6-6 states: However, the proposed project's energy demands would be consistent with the anticipated level of economic development and growth in the region(whatever that means), and San Diego Gas and Electric would have sufficient available capacity to serve the proposed project, as they served the previous industrial building on site. However, the building on site that they reference was 172,305 square feet while the proposed building is 568,000 square feet. SDG&E will need to supply more gas and electricity just because of the size of the proposed building. | 09-81 |
| And, finally, why are the developers only fitting 50% of the building with solar panels? | I 09-82 |

Section 4.6 Geology and Soils

Subject: DEIR Review

Date: Wed, 15 Nov 2023 14:48:29 -0500 (EST)
From: JUDY BONILLA <judy.bonilla@cox.net>

Section 4.6 "Geology and Soils"

4.6.1.2:

There is a potential for LIQUEFACTION (think quicksand) to occur within the very loose to medium dense alluvial sands and silts underlying the project site. They will mitigate this.

The alluvial soils underlying the project site are susceptible to HYDRO-CONSOLIDATION (soil collapse). I did not see where this would be mitigated.

Judy Bonilla

09-83

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Section 4.7 Greenhouse Gases (GHG)

Subject: DEIR Review

Date: Wed, 15 Nov 2023 20:29:22 +0000 (UTC) From: Gene O'Neal <hp11325@yahoo.com>

Gene and Carrie O'Neal 478 Tishmal Court Oceanside, CA 92058 Hp11325@yahoo.com (760) 470-4363

November 15, 2023

City of Oceanside %Oceanside City Council %Oceanside City Planning Commissioners % Rob Dmohowski 300 N. Coast Highway Oceanside, CA 92054

Dear Oceanside City Council Member's, Planning Commissioner's,

My name is Gene O'Neal and my wife, Carrie O'Neal. I have reviewed the Draft Environmental Impact Report, Section 4.7 (Greenhouse Gases aka GHG) and Section 6.4.7 of the DIER document. I would like the city of Oceanside to consider the items I have addressed in the decision regarding the Eddie Jones Warehouse, Manufacturing, and Distribution Facility project. My family and I are opposed to the Eddie Jones Warehouse, Manufacturing, and Distribution Facility proposed in the Airport Community.

1. Increased Greenhouse Gas Emissions:

- The project is likely to contribute significantly to GHG emissions, particularly during its
 construction phase, with estimated annual emissions of 30.69 MT CO2e over a 30-year period.
- The increasing contribution of transportation-related emissions to Oceanside's overall GHG levels, as highlighted in Table 4.7-4 of the DIER, indicates that this project would exacerbate the existing problem. The transportation sector is a major contributor to GHGs, and the project is expected to add to this burden.

2. Air Quality and Health Implications:

- The elevated concentrations of GHGs, including CO2, CH4, N2O, HFCs, PFCs, and SF6, have been identified as a threat to public health and welfare, as per the EPA's
- Endangerment Finding (Massachusetts v. EPA, April 2007).
- 3. Black carbon, a component of fine particulate matter resulting from incomplete combustion of fossil fuels (such as diesel engines), is a known environmental risk factor for premature death.

09-84

| 09-85
| 09-86
| 09-87

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| The project's potential contribution to increased black carbon emissions, especially from construction activities, poses a direct risk to the health of the community. | ↑ 09-87 Cont. |
|---|------------------|
| Why is the "Human" factor ignored in this document? | T |
| Why is the entire Airport Community, not addressed in the DEIR with regard to the affects this project will have on our residential community? | 09-88 |
| 4. Violations of City General Plan: | T |
| The project appears to contradict the Oceanside General Plan, specifically Policy 4.1, which emphasizes the reduction of vehicle miles traveled and the total number of daily and peak-hour vehicle trips. The project, by increasing transportation related GHG emissions, goes against the city's goal of minimizing vehicular travel and promoting sustainable transportation options. | 09-89 |
| 5. Inadequate Environmental Assessment: | Ī |
| The Environmental Impact Analysis in Page 4.7.23 focuses on the CAP Consistency Checklist but fails to define "environment." It does not address the potential impact of GHGs on the health and well-being of the airport community immediately north of the project. | 09-90 |
| The prevailing air currents, indicate that GHGs emitted from the project site could directly affect the residents living north of the project, considering the predominant airflow patterns from the coast into the area along the San Luis River and into the Airport Community. | 09-91 |
| Ladies and gentlemen, | T |
| In closing, it is imperative to highlight a critical factor often overlooked in the meticulous data-driven evaluation of the Eddie Jones Warehouse, Manufacturing, and Distribution Project — the profound impact of human behavior. While statistics and environmental assessments provide valuable insights, the intricacies of human actions and responses must not be underestimated. | 09-92 |
| Consider the practical implications of trucks congesting Benet Road, just south of the proposed development, despite advisories against such behavior. Where do these trucks inevitably find their way? Through our neighborhood. Human behavior, driven by convenience or necessity, can reroute the very pollutants and emissions the city's statistics aim to regulate. | 09-93 |
| Moreover, rules about idling truck engines on the Eddie Jones Warehouse, Manufacturing, and Distribution Facility property may exist, but the cold, damp, or hot weather often dictates otherwise. Human behavior prevails, with engines left running, exacerbating the pollution and GHG emissions noted in the DEIR. This, in turn, directly impacts the Airport Community — a community comprising men, women, and children who now face the consequences of zoning decisions made decades before their homes existed. | 09-94 |
| The zoning in this area was established long before the Airport Community thrived. Decisions made at that time did not anticipate the residential landscape that would evolve over the years. When the city | ↓ 09-95 |

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permitted the development of a sizable residential community, the zoning failed to adapt to the evolving human element. The lives, families, work, and well-being of the people in the Airport Community were not adequately considered.

In the pursuit of progress, we must acknowledge the lived experiences of the community members, their families, and their aspirations. The Eddie Jones Project, as it stands, neglects the human element, casting a shadow of detrimental effects on those who call the Airport Community home. Let us not only consider the numbers and regulations but also recognize the responsibility we bear for the welfare of the people who contribute to the vibrancy of this community.

Concerned,

Gene R. O'Neal Jr.

09-95 Cont.

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section 4.7 Greenhouse Gases (GHG)

Subject: DEIR Input

Date: Mon, 20 Nov 2023 21:06:19 +0000

From: Frierson, Russ <russ.frierson@grpfinancial.com>

Eddie Jones Project

Section 4.7 Greenhouse Gases

Most of sections 4.7.1 and 4.7.2 are mostly a science lesson on Green House Gases (GHG) and a history of mostly state legislation around the subject. Of note are the total emissions at the state, county and city level. Unfortunately they used data from non-correlating time frames. For instance table 4.7-2 cites emissions between 2000-2019:

Table 4.7-2. GHG Emissions Sources in California

| Source Category | Annual GHG Emissions (MMT CO ₂ e) | Percent of Total* |
|---|---|-------------------|
| Transportation | 166.1 | 39.7% |
| Industrial | 88.2 | 21.1% |
| Electric power | 58.8 | 14.1% |
| Commercial and residential | 43.8 | 10.5% |
| Agriculture | 31.8 | 7.6% |
| High global-warming potential substances | 20 6 | 4 9% |
| Recycling and waste | 8.9 | 2.1% |
| Total | 418.2 | 100% |

Notes: GHG = greenhouse gas, MMT CD2e = million metric tons of carbon dioxide equivalent.

Between 2000 and 2019, per-capita GHG emissions in California have dropped from a peak of 14.0 MT CO2e per person in 2001 to 10.5 MT CO2e per person in 2019, representing an approximate 25% decrease. In addition, total GHG emissions in 2019 were approximately 7 MMT CO2e lower than 2018 emissions (CARB 2022d).

While San Diego County emissions were from data compiled in 2012:

According to the GHG inventory data compiled by the Energy Policy Initiative Center in 2012, the County (as defined to include all cities therein and unincorporated County areas) emitted 34.7 MMT CO2e (EPIC 2015). As outlined in Table 4.7-3, San Diego County GHG Emissions by Sectors, on-road transportation generated 37% of these emissions. Similar to emissions trends statewide, electricity generation is the second largest emitter.

Table 4.7-3. San Diego County GHG Emissions by Sectors

| Source Category | Annual GHG Emissions (MMT CO2e) | Percent of Total |
|------------------------------|------------------------------------|------------------|
| On-road transportation | 13.14 | 37.2 |
| Electricity generation | 7.97 | 22.6 |
| Natural gas end uses | 2.84 | 8.0 |
| Heavy Duty Trucks & Vehicles | 1.89 | 5.4 |
| Solid Waste | 1.75 | 4.9 |
| Other Fuels | 164 | 4.6 |
| Industrial | 1.43 | 4.1 |

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Oceanside City emissions were shown as of 2013:

Table 4.7-4. City of Oceanside GHG Emissions by Sectors for 2013

| Source Category | Annual GHG Emissions (MT CO ₂ e) | Percent of Total | |
|----------------------|--|------------------|--|
| Transportation | 477,178 | 48.5 | |
| Electricity | 251,524 | 25.6 | |
| Natural Gas | 162,447 | 16.5 | |
| Solid Waste | 40,615 | 4.1 | |
| Water ¹ | 27,420 | 2.8 | |
| Municipal Operations | 24,828 | 2.5 | |
| Total | 984,012 | 100 | |

Source: City of Oceanside 2019.

I think the main thing of note in these sections are the percentage of overall GHG that are attributable to the transportation sector.

Section 4.7.3 Thresholds of Significance (Beginning on page 216)

This section outlines bot the CEQA guidelines that should be used to evaluate a projects impact on GHG emissions. Importantly, throughout this section it identifies ways to get around considering a project to have a significant impact. The CEQA guidelines are:

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Notes: GHG emissions for each category are rounded. Sums may not add up to totals due to rounding.

Emissions associated with water and wastewater treatment at City-operated facilities were accounted for as Municipal emissions. Water emissions include upstream emissions from import of water to the City.

4.7.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to greenhouse gases are based on Appendix G of th CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to greenhouse gase would occur if the proposed project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact of the environment.
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

As stated in CEQA Guidelines Section 15064.4(b):

a lead agency should consider the following factors, among others, when assessing the significance of impacts from GHG emissions on the environment: (1) the extent to which a project may increase or reduce GHG emissions as compared to the existing environmental setting: (2) whether project emissions exceed a threshold of significance that the lead agency determines applies to the project; and, (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

Unfortunately these guidelines do not subscribe specific guidelines, methodologies, or quantitative thresholds that the "lead agency" (in this case the City of Oceanside) must or should use in their determination.

The City of Oceanside adopted a Climate Action Plan (CAP) on May 8, 2019 that set goals for reduction of GHG out to 2050. Note the highlighted area below that basically says that if the analysis does not fall within the city's guideline then an "alternative "analysis can be accomplished through the use of a CAP Checklist. I will go in to detail later on this later, but essentially it is a way to have the developer promise they will do certain things in the future to get the project approved, even if the project falls outside of the city's guidelines. (Section 4.7 page 216)

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09-102

09-103

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Oceanside Climate Action Plan and Energy and Climate Action Element

The City adopted its Climate Action Plan (CAP) on May 8, 2019 (City of Oceanside 2019). The CAP acts as a roadmap to address challenges of climate change within the City and outlines measures the City will take to make progress towards meeting the state's GHG reduction goals. The CAP includes a baseline GHG emissions inventory for 2013; GHG emissions forecasts for 2020, 2030, 2035, 2040, and 2050; local GHG emissions reduction strategies and measures to help the City achieve the statewide targets; and implementation and monitoring mechanisms to ensure the City's measures and targets are achieved. The CAP established local GHG emissions reduction targets for future years as follows:

- by 2020, reduce GHG emissions levels to 5 metric tons carbon dioxide equivalent (MT CO₂e) per capita
- by 2030, reduce GHG emissions levels to 4 MT CO₂e per capita
- by 2040, reduce GHG emissions levels to 3 MT CO₂e per capita
- by 2050, reduce GHG emissions levels to 2 MT CO₂e per capita

In accordance with CEQA Guidelines Section 15183.5, the CAP Checklist provides for streamlined review of projects subject to environmental review, offering an alternative to project-specific analysis of GHG emissions impacts.

4.7.3 (cont.) The following excerpt is on page 217 and basically sets the stage for their conclusion that, through the use of the CAP Checklist, their project will not have a significant impact on GHG emissions. The City has stipulated that projects that emit less than 900 Metric Tons of CO2e annually would not contribute considerably to cumulative climate change.

SPECIAL NOTE:

- First highlighted area below states that this project the project will utilize (?) 900 MT CO2e per year. This is not factual. See figure 4.7-6
- Second highlighted are states that the applicant can conduct specific GHG analysis OR choose to fill out the CAP Checklist. This is what they have elected to do, in my view, to get around their poor GHG emission results.

09-103 Cont.

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09-105

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City of Oceanside

As the lead agency, the City has the discretion to identify the significance threshold for discretionary projects. The City's CAP relies on a screening threshold based on land use size and a CAP Consistency Checklist to determine whether a project's emissions would be consistent with GHG emissions estimated within the City's CAP, Consistent with recent projects certified by the City and the City CAP, the project will utilize 900 MT CO2e annually with construction-related emissions amortized over 30 years. Specifically, the City has determined that new development projects emitting less than 900 MT CO2e annual GHG would not contribute considerably to cumulative climate change impacts, and therefore do not need to demonstrate consistency with the CAP.

The City of Oceanside has set a significance threshold that aligns with the City's emissions reduction targets as outlined in the CAP (3.5MT CO2e per service population). Applicants can choose to conduct project specific GHG emissions analysis to demonstrate compliance with the City's significance threshold, or choose to conform to the requirements consolidated in the CAP Checklist. Projects greater than 900 MT CO₂e and greater than 3.5MT CO2e per service population would be required to show CAP Checklist consistency.

The CAP Consistency Checklist is used to determine significance in accordance with CEQA Guidelines Section 15183.5; therefore, the CAP Consistency Checklist was used to evaluate the proposed project's significance with respect to GHG emissions.

4.7.4 Impact Analysis (beginning on page 217)

This is where they give you the estimated annual GHG emissions. It is done both for the construction phase, and then ongoing annual emissions. They amortize the construction phase over 30 which gets them to 30.69 MT CO2e. They then have to add that to ongoing emissions. Their Estimated Annual GHG Emissions is a whopping 7,172.55 MT CO2e per year. That is 7.97 times the acceptable rate of 900 MT CO2e. That is 700% more pollutants than the city has deemed acceptable. Also, well over half of this is labeled "Mobile" on Table 4.7-6, which I am assuming is their way of not saying Transportation (Semi's). How can they get around this? The CAP Checklist.

Table 4.7-5 Estimated Annual Construction GHG Emissions

| Year | MT CO2 | MT CH4 | MT N ₂ O | MT CO2e |
|-------|-------------------------|----------------------|-----------------------|---------|
| 2023 | 529.78 | 0.10 | 0.03 | 541.63 |
| 2024 | 371.33 | 0.04 | 0.02 | 379.13 |
| Total | 1,040.56 | 0.14 | 0.07 | 920.76 |
| Year | ly Average Construction | on Emissions (MT CO2 | e /year over 30 years | 30.69 |

Source: Appendix B

Notes: CO₂ = carbon dioxide; CH₄ = methane; N₂O = nitrous oxide; CO₂e = carbon dioxide equivalent.

09-105 Cont.

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Table 4.7-6. Summary of Estimated Annual GHG Emissions

| Emissions Source | MT CO ₂ | MT CH4 | MT N ₂ O | MT COze |
|------------------|--------------------|---------------------|-----------------------|----------|
| Area | 0.021 | < 0.01 | 0 | 0.022 |
| Energy | 1,275.65 | 0.07 | 0.01 | 1,280.82 |
| Mobile | 4,603.41 | 0.15 | 0.40 | 4,727.02 |
| Offroad | 221.17 | 0.012 | 0.0026 | 222.23 |
| Waste | 117.93 | 6.97 | 0 | 292 16 |
| Water | 481.12 | 4.30 | 0.10 | 619.61 |
| | Amort | ized Construction (| Emissions (30 years) | 30.69 |
| | | Tot | tal Project Emissions | 7,172.55 |
| | | Brigi | htline CAP Threshold | 900 |
| | | Exce | eds CAP Threshold? | Yes |

Source: See Appendix A for complete results.

Notes: GHG = greenhouse gas; MT = metric tons; $CO_2 = carbon dioxide$; $CH_4 = methane$; $N_2O = nitrous oxide$; $CO_2e = carbon dioxide equivalent. < 0.01 = reported value is less than 0.01.$

CAP Checklist

Table 4.7-7 Climate Action Plan Consistency Checklist and Project Consistency

| Check List Item | Project Consistency |
|--|---|
| 1. On-Site Renewable Energy Supply. If the project meets one or more of the thresholds outlined in Section 3047 of the City's Zoning Ordinance, will at least 50 percent of the estimated electricity demand be met with on-site renewable emissions-free energy supply (e.g., solar photovoltaic facilities)? | Consistent. The project is an industrial project larger than 25,000 square feet so it satisfies the Section 3047 threshold requirement to utilize the on-site renewable energy supply provisions of the checklist. The proposed project includes rooftop solar PV, which will accommodate at least 50% of the projected energy demand during operation. |
| 2. Electric Vehicle Charging Facilities. If the project involves new development that requires at least five (5) parking spaces, will the project comply with the requirements of Section 3048 of the City's Zoning Ordinance? | Consistent. The proposed project includes a total of 590 parking spaces, and is therefore required to comply with the requirements of Section 3048 of the City's Zoning Ordinance. Per Section 3048, the project will provide 89 electric vehicle parking stalls, 45 of which will be charger equipped facilities. |
| Recycled Water Infrastructure. Does the City's Water Utilities Department require that the project install infrastructure to provide for recycled water service? | Not Applicable. The project is not required to use recycled water. The project is not within 75 feet of a recycle main. |

- 1. Even if they actually do produce 50% of their energy that still leaves them with 640.41 MT CO2e just for energy onsite. That is over 2/3 of the 900 threshold.
- 2. Almost no impact as the emissions are mostly going to be coming from Semi's
- 3. N/A

09-106 Cont.

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Table 4.7-7 Climate Action Plan Consistency Checklist and Project Consistency

| Check List Item | Project Consistency |
|---|--|
| 4. Transportation Demand Management (TDM). Per Section 3050 of the City's Zoning Ordinance, does the proposed project expected to generate at least 50 daily employee commute trips, necessitating the preparation and implementation of a TDM Plan? | Consistent. The project is expected to generate more than 50 daily employee commute trips, and therefore is required to prepare a TDM Plan that results in a minimum alternative employee commute share of 20 percent and complies with the other Section 3050 requirements. A qualified traffic consultant will be contracted to prepare a TDM for the project. |
| 5. Urban Forestry. Will the project comply with the minimum tree canopy and permeable surface area requirements outlined in Section 3049 of the City's Zoning Ordinance? | Consistent. The proposed project will provide tree canopy coverage and permeable surface, which meets or exceeds the requirements outlined in Section 3049 of the City's Zoning Ordinance. |
| 6.Food Scraps Recycling Program. All non-residential uses are required to participate in the City's Food Scrap Recycling Program, which involves placement of food scraps in a separate bin for separate processing. | Consistent. The proposed project is a non- residential project and is subject to and will participate in the City's Food Scrap Recycling Program. |
| 7. Oceanside Green Business Network (Voluntary) The Oceanside Green Business Network is a free program that encourages environmental stewardship in the local business community and provides members with strategies designed to help them thrive in the green economy. While membership is voluntary, applicants for non-residential development as well as those operating businesses within the development are strongly encouraged to join the Network. | Consistent. The applicant intends to join and promote membership in the Oceanside Green Business Network. |
| 8. Energy Efficiency Audits and Analysis (Applicable to Projects Not Meeting Location Criteria 1 or 2.) Applicants for non-residential development located outside of Smart Growth Opportunities areas or a ¹⁴ -mile radius of a priority corridor are required to participate in one of the abovenoted programs no sooner than one year and no later than two years after initial building occupancy. Applicants are not required to implement the recommendations of the audit. | Consistent. The project is located outside of Smart Growth Opportunities areas and approximately 0.3 miles from the nearest TOD corridor to the south of the project site. Therefore, the applicant will participate in one of SDG&E services for non-residential development include the Comprehensive Audit Program and the Facility Assessment Service Program no sooner than one year and no later than two years after initial building occupancy. |
| 9. Mitigation of Per Capita Vehicle Miles Traveled (VMT) above baseline (Applicable to Projects Not Meeting Locational Criteria 1 or 2) Consistent with state law (AB 743), the City's CEQA review process includes assessment of impacts on vehicle miles traveled (VMT). In general, projects located in walkable, transit-rich areas are expected to generate less VMT than those located in peripheral areas with more dispersed land use patterns. Projects not meeting locational criteria 1 or 2 are required to incorporate project features that reduce VMT by at least 15 percent below the regional average. | Consistent. The project is located outside of Smart Growth Opportunities areas and approximately 0.3 miles from the nearest TOD corridor to the south of the project site. As discussed in the Traffic and Circulation section of the EIR, the project includes features that will reduce estimated VMT by at least 15 percent below the regional average, consistent with the City's Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment. |

09-107 Cont.

- 4. Negligible if any impact. No way to enforce 20% rideshare
- 5. Negligible impact
- 6. No impact
- 7. No impact
- 8. Audit recommendations are not mandatory. No impact
- 9. Bull. No Impact

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Here is there final conclusion 4.7.5 (page 221)

4.7 - GREENHOUSE GASES

As shown in Table 4.7-7, the proposed project is consistent with the CAP Consistency Checklist adopted by the City to ensure that the GHG emission targets identified in the CAP are achieved. The CAP determined that project consistent with the CAP checklist would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment Therefore, the proposed project would not generate GHG emissions that may have a significant impact on the environment; impacts would be less than significant.

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

As noted above, the proposed project would not generate GHG emissions that have a significant impact on the environment because it is determined to be consistent with the City's CAP, which is the most applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (See: Table 4.7-7, Climate Action Plan Consistency Checklist and Project Consistency). CAP acts as a roadmap to address challenges of climate change within the City and outlines measures the City will take to make progress towards meeting the state's GHG reduction goals. The CAP includes a baseline GHG emissions inventory for 2013, GHG emissions forecasts for 2020, 2030, 2035, 2040, and 2050, local GHG emissions reduction strategies and measures to help the City achieve the statewide targets, and implementation and monitoring mechanisms to ensure the City's measures and targets are achieved. The CAP established local GHG emissions reduction targets for future years as follows:

- by 2020, reduce GHG emissions levels to 5 MT CO₂e per capita;
- by 2030, reduce GHG emissions levels to 4 MT CO2e per capita.
- by 2040, reduce GHG emissions levels to 3 MT CO₂e per capita; and
- by 2050, reduce GHG emissions levels to 2 MT CO2e per capita.

The CAP was prepared in accordance with the requirements within CEQA Guidelines Section 15183.5, and the CAP Consistency Checklist was used to evaluate the proposed project's significance with respect to GHG emissions. Therefore, the project's consistency with the CAP demonstrates that the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases and the impact would be less than significant.

This clearly is in direct opposition to their stated annual emissions and relies on a weak and mostly unenforceable CAP Checklist, that even if it was followed and their estimates were realized, would still put annual emissions somewhere in the neighborhood of 6,500 MT CO2e per year. That is still around 7 times above the stated acceptable level of 900 NT CO2e per year.

Section 6.4.7 Greenhouse Gas Emissions.

This basically talks about GHG as a global issue so assessments need to be cumulative etc. and why their analysis is accurate based on certain CEQA and California Natural resources Agency guidelines and communications. Here is their conclusion:

09-109

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6.4.7 Greenhouse Gas Emissions

A cumulative impact refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental effects. Pursuant to CEQA Guidelines Section 15130(b)(1)(A)(B), an adequate discussion of a project's significant cumulative impact, in combination with other closely related projects, can be based on either: (1) a list of past, present, and probable future producing related impacts; or (2) a summary of projections contained in an adopted local, regional, or statewide plan, or a related planning document that describes conditions contributing to the cumulative effect.

Due to the global nature of the assessment of greenhouse gas (GHG) emissions and the effects of global climate change, GHG emissions analysis, by its nature, is a cumulative impact analysis. Therefore, the information and analysis provided in Section 4.7, Greenhouse Gas Emissions, to determine project-level impacts applies here. Based on the results of that analysis, the project's contribution to global climate change would not be cumulatively considerable.

09-109 Cont.

Summary

These entire 2 sections are a set-up to use the CAP Checklist to skirt the 900 MT CO2e limit set by the city, to view this in incremental terms at the global level, and to justify a Limited Use Permit and request for variance (Section 6) to push the project through. At best this project produces GHG at a rate of 7 times above the 900 MT limit.

Additionally, if you look at the CAP Checklist, it is really based around employee traffic and onsite remediation of GHG. In my view, it does not contemplate the main contributor to GHG in this project, namely semi tractor-trailer diesel emissions.

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| Section 4.8 Hazards and Hazardous Materials | т |
|--|--------|
| Section 4.8 Hazards and Hazardous Materials | |
| Subject: DEIR Comments Date: 11/22/2023, 3:27 PM From: Carol Gruber <carolchem@cox.net></carolchem@cox.net> | 09-110 |
| Section 4.8.4, Table 4.8.1: Hazardous material investigations showed many recognized and potential environmental conditions (RECs). Per the Department of Toxic Substances Control a complete remediation plan has not been completed. Since the groundwater depth at the site is only 5 feet, how can we be assured complete remediation will be accomplished? | 09-110 |
| Review Area 1: "physically interfere with adopted emergency response/evacuation plan" or "would not impede access of emergency vehicles tosurrounding areas.". It says the use is consistent with the historical use - but the project is many times bigger than the historical use, with the use of commercial trucks. A recent fire in the residential area north of the river caused problems with in/out traffic on the Benet bridge. That occurred when there was NO vehicle traffic on the property. How can all the additional traffic south of the bridge not impact emergency access/egress? | 09-111 |
| Section 6.4.8 (Hazards and Hazardous Materials). No comment. (This project, or any other, would be much better in this regard to the old Deutsch plant. New construction and hazardous materials codes pretty much cover this.) | 09-112 |

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Section: 4.8 Hazards and Hazardous Materials

Subject: DEIR Review Date: 11/24/2023, 2:32 PM

From: nil hancock <tahoe772@yahoo.com>

This section is quite complicated. Every issue come with a response of "No significant impact" Challengeable issues: 09-113 Stale information – site investigation and samples were completed in August 2021 – prior to demolition of structures. Most likely contaminants are in the soil and were not found with the structure on site. Require the testing be redone to carefully monitor possible contamination. Given the prior use was a industrial plating company among other uses during the 70's and 80's not a lot of attention was placed on industries to monitor hazardous materials. (Buildings demolished in 2022) In one section of the report, it states "All site remediation will be completed prior to the start of construction" and on another page it says soil remediation is done. Which is it and what was 09-114 done? Who verifies the completion and certifies the site is clean of contaminants? If completed why is that not part of the document. There is a reference to chemical toilets might be placed on site. Why - mandate public restroom facilities be available for "clients" and minimum three per side. Raise issues: 1. A limit on the volume of hazard material on site at any given time. No more than 100 pounds collectively of solid material and 100 pounds of liquid hazardous material. If the entire building or a small amount 25% of the building has ammonia stored there and an accidental spill occurs, 09-116 or plane crashes into building now we have a major incident involving the area around the structure including the neighborhood and TERI students just .21 mile from site. With the developer not disclosing the type of lessee or renter who knows what we can get in our neighborhood. 09-117 2. No chemical toilets - proper restrooms provided - available 24 hours a day. 3. No CUP issued until occupant is known and type of business is revealed. No reason for a blanket 09-118 "OK" with all the possibilities of tenant business possibilities. 4. Require eye wash safety stations and decontaminant shower facilities. Require them - we don't know what we are getting! 09-119 Require proper safety storage cabinets clearly marked and with MSDS documentation posted on cabinet. Hazardous Waste: Toxic, Corrosive, flammable, or reactive - abandoned, discarded, spilled, contaminated or stored 09-120 They could fill the place with paper towels and toilet paper - no significant issues related to haz mat. We just don't know. This is the problem with granting a CUP with out full details disclosed.

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Section: 4.10 Land Use and Planning

Subject: DEIR Review Date: 12/5/2023, 4:47 PM From: Kimberly Johnson < kimberlyan2@hotmail.com> Eddie Jones 4.10 Land Use and Planning 4.10.4, page 4.10-8 Impacts Analysis Would the Project physically divide an established community? The DEIR states: The physical division of an established community typically refers to the 09-121 construction of a linear feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local road that would impact mobility within an existing community or between a community and outlying area. The project does not include the construction of a highway or railroad tracks, or the removal of a means of access that would impact mobility within an existing community or between communities. As stated, the physical division..."typically refers to the construction or a linear feature...or removal of a means of access." While the Eddie Jones project doesn't include constructing or removing a physical feature, the increase in traffic caused by the number of trucks/trailers will physically divide the established community and our ingress and egress points, of which there are only two (Benet Road and Foussat Road). The proposed project includes development of a new 566,905 square- foot warehouse and distribution facility on the 31.79-acre project site. As stated earlier in the report, The property was previously occupied by an approximate 172,300 square foot industrial manufacturing 09-122 facility which was vacated in the summer of 2021 and demolished in 2022. The Eddie Jones project is more than three times the size of the previous occupants. Proposed land uses and implementation of the project would not impede access to any adjacent land uses or roadways. 09-123 As noted above, the increase in trucks/trailers will significantly physically divide and impede access to the adjacent residential area. 4.10.4 Impacts Analysis, page 4.10-9 City of Oceanside Zoning Ordinance The DEIR states: The City's Zoning Ordinance designates the project site IL-Limited Industrial, corresponding with the General Plan designation of Light Industrial (LI). ArKcle 13 of this Zoning Ordinance states that the Limited Industrial District is intended to "provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located 09-124 adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses" (City of Oceanside 1992). Consistent with the zoning for the project site, the project proposes to develop a new 566,905 square-foot warehouse and distribution facility on the 31.79-acre project site.

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| As stated on the Oceanside Chamber of Commerce webpage, the Oceanside Industrial Park was intended to "attract light manufacturing and industry." https://www.oceansidechamber.com/oceanside-blog/history-of-oceansides-first-industrial-park | 09-124 Cont. |
|---|-----------------|
| 1. The General Plan designation for the property is Light Industrial (LI), with the associated zoning category of Limited Industrial (IL). This is in conflict with the definition provided on the City of Oceanside website. It states, "IL Limited Industrial District. To provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses. https://www.ci.oceanside.ca.us/home/showpublisheddocument/4022/637953037195830000 | 09-125 |
| Therefore, the project is 1) not in the spirit of the intended use and 2) will have a significant impact on the adjacent residential properties. | l |
| 4.10.4 Impacts Analysis, page 4.10-11 San Diego Air Pollution Control District | Ţ |
| This section does not address the increase in vehicle and truck traffic that will increase the air pollution. Air pollution impact is addressed in another section, but it falls to note that while the plan should not exceed what is allowable it still increases the pollution beyond what the residents already experience. | 09-126 |
| 4.10.6 Level of Significance After Mitigation | Ţ |
| Table 4.10-1. City of Oceanside General Plan Consistency Evaluation | |
| Page 4.10-12, 1.1 Community Values Objective, Policy Text: To ensure the enhancement of long-term community and neighborhood values through effective land use planning. | 00.107 |
| The table continues on and uses zoning ordinances as discussion and argument that the Eddie Jones project is appropriate. However, just because the zoning may be correct (which I have argued previously that it does not), this absolutely does not mean it complies with the "Community Values Objective." The Eddie Jones project has not taken the negative impact this project will have on the long-term (and short-term) community and neighborhood values into consideration. | 09-127 |
| Page 4.10-14, 1.11 Balanced Land Use Objective, Policy Text: To develop and use lands for the long-term provision of a balanced, self-sufficient, and efficient community. Page 1.10-14, Policy 1.11A, Policy Text: The City shall establish and enforce a balanced distribution of land uses to organize the City in a hierarchy of activity centers and land use so as to foster a sense of neighborhood, community, and regional identity. | 09-128 |

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Page 4.10-14, Policy 1.11B, Policy Text: The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.

The table uses zoning ordinances as discussion and argument that the Eddie Jones project is appropriate. However, just because the zoning may be correct (which I have argued previously that it does not), this does not mean it complies with the "Balanced Land Use Objective." The Eddie Jones project has not taken the negative impact this project will have on "foster[ing] a sense of neighborhood, community, and regional identity." Nor will it "provide a significant benefit to the community."

Page 4.10-16, Policy 1.12C, Policy Text: The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions nor to exposure of toxic, radioactive, or other dangerous materials.

The increase in trucks/trailers will certainly increase the emissions in the surrounding area, to include a direct, negative impact to the adjacent neighborhood. Even if within policy limits, it is still an increase with a negative impact on the community.

Page 4.10-26, 2.2 Commercial Development Objective, Policy Text: The City shall preserve and enhance viable, positive commercial developments through the proper allocation of the following commercial land use designations: community commercial, neighborhood commercial, general commercial, special commercial, and professional commercial. Page 4.10-27, Neighborhood Commercial Policy 2.22A, Policy Text: Neighborhood Commercial shall provide commercial uses which meet the day-to-day commercial needs of the community. Commercial center development is implicit. Key tenants shall be limited to supermarkets, variety stores, drug stores, specialty stores, and similar businesses. Most retail shops, restaurants and services are permitted as minor tenants and "convenience" businesses may be allowed when well integrated into the center's design.

Page 4.101-27 Neighborhood Commercial Policy 2.22B, Policy Text: Since Neighborhood Commercial centers will meet the daily shopping needs of the community, they shall be located near residential areas along major arterials or secondary arterials, preferably at their intersections with collector streets. Consequently, there shall be limits on their intensity to be compatible with nearby residential areas. Areas shall generally be between 10 and 30 acres.

Nothing of the Eddie Jones Project has been developed or designed with Neighborhood Commercial Policy taken into consideration. While the area is zoned for light industrial purposes, this project provides no value to the adjacent neighborhood and only negatively impacts the adjacent neighborhood.

Page 4.10-28, 2.7 Community Enhancement Policy 2.26B, Policy Text: The City shall not permit the proliferation and/or over- construction of commercial use that generate adverse impacts to the social structure, visual quality, economy, public safety, or well-being of the community.

09-128 Cont.

09-129

09-130

09-131

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| The response is that "the project is not a commercial development, [therefore it] will not result in or contribute to the over construction of commercial uses." While not commercial in nature, the project will "generate adverse impacts to the social structure[and] well-being of the community." | 09-131 Cont. |
|--|-----------------|
| Page 4.10-30, Circulation Element, Long Range Policy Direction, Goal 1, A multimodal transportation system, which allows for the efficient and safe movement of all people and goods, and which meets current demands and future needs of the population and projected land uses with minimal impact to the environment. The addition of trucks/trailers and the traffic caused by only two exits/entrances will severely and negatively impact the adjacent neighborhood as they intend on using one of those exits/entrances (Benet Road). Benet Road is one of only two access roads to the neighborhood. | 09-132 |
| Page 4.10-32, Circulation Element, Long Range Policy Direction, Goal 3, Alternative transportation strategies designed to reduce traffic volumes and improve traffic flow. Similar to Goal 2, Goal 3 appears to identify traffic mitigation for employees. Regardless, the project itself adversely impacts traffic volumes and traffic flow with trucks/trailers, not to mention the employees getting to and going from their workplace. | 09-133 |
| Page 4.10-32, Circulation Element, Long Range Policy Direction, Policy 2.4, The City's circulation system shall promote efficient intra- and inter-city travel with minimum disruption to established and planned residential neighborhoods. The DEIR states that "this Goal is not directed toward an individual development project." It may not be directed toward an individual project, but clearly the Eddie Jones Project will disrupt and impede the established adjacent neighborhood. | 09-134 |
| Page 4.10-33, Master Transportation Roadway Plan, Objective i. Aim for an acceptable Level of Service (LOS) D or better on all Circulation Element roadways on an average daily basis and at intersections during the AM and PM peak periods. The increase in both the employees commuting and the trucks/trailers entering and exiting SR-76 will negatively impact the traffic flow in and out of the adjacent neighborhood. | 09-135 |
| Page 4.10-35, Master Transportation Roadway Plan, Policy 3.10, The City shall require dedication and improvement of necessary rights-of-way along Master Transportation Roadway Plan streets. This usually will occur in fulfillment of a condition of approval for a tentative map or as a condition of approval for a building permit, whichever occurs first. Page 4.10-36, Master Transportation Roadway Plan, Policy 3.11, The City shall assure that each addition to the circulation system is a useable link on the total system and that new routes and links are coordinated with existing routes to ensure that each new and existing roadway continues to function as it was intended. | 09-136 |

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Page 4.10-36, Master Transportation Roadway Plan, Policy 3.12, The City shall require or provide adequate traffic safety measures on all new and existing roadways. These measures may include, but are not limited to, appropriate levels of maintenance, proper street design, traffic control devices (signs, signals, and striping), street lighting, and coordination with the school districts to provide school crossing signs and protection.

In order for trucks/trailers to turn left onto Benet Road (to access SR-76), traffic control measures (such as a traffic light) would seemingly need to be added at that intersection (Eddy Jones Way and Benet Road). However, adding a traffic light at the corner of Eddy Jones Way and Benet Road would cause additional traffic congestion due to the proximity to SR-76 and eastbound traffic turning northbound onto Benet Road.

Page 4.10-37, Master Transportation Roadway Plan, Policy 3.20, If the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet the LOS D threshold, or if it creates safety hazards, the proposed development shall be required to make necessary off-site improvements. Such improvements may be eligible for reimbursement from collected impact fees. In some cases, the development may have to wait until financing for required off-site improvements is available. In other cases where development would result in unavoidable impacts, the appropriate findings of overriding consideration will be required to allow temporary undesirable levels of service.

The Eddie Jones Project will contribute to congestion on major streets (SR-76 and Benet Road), directly and negatively impacting the residents of the adjacent neighborhood. There is an anticipated safety hazard with the increase in traffic, especially by trucks/trailers.

Page 4.10-38, Transportation Demand Management, Goal 1, Support programs that encourage increased vehicle occupancies and trip reduction in order for residents to enjoy the quality of life that currently exists in Oceanside.

The Eddie Jones Project is in direct conflict with this goal. The project brings in a large number of commuters, large enough to require a nearly 600-spot parking log. Additionally, the hundreds of trucks/trailers coming in and out is an exponential increase in vehicle traffic and does not allow the current residents of the adjacent neighborhood to enjoy the quality of life that currently exists.

Page 4.10-39, Policy 4.1, The City shall encourage the reduction of vehicle miles traveled, reduction of the total number of daily and peak hour vehicle trips and provide better utilization of the circulation system through development and implementation of TDM strategies. These may include, but not limited to, implementation of peak hour trip reduction, encourage staggered work hours, telework programs, increased development of employment centers where transit usage is highly viable, encouragement of ridesharing options in the public and private sector, provision for park-and-ride facilities adjacent to the regional transportation system, and provision for transit subsidies.

09-136 Cont.

09-137

09-138

09-139

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The DEIR states it would implement a voluntary employee rideshare program in order to mitigate the increase in traffic. That appears to be the least possible mitigation action that also does not guarantee actual mitigation. The project brings in a large number of commuters, large enough to require a nearly 600-spot parking log. Additionally, the hundreds of trucks/trailers coming in and out is an exponential increase in vehicle traffic. The Eddie Jones Project will only increase vehicle traffic; any mitigation to reduce is still a large increase from what currently exists.

Page 4.10-45, Community Facilities Element, Policy 0.3, The City shall strive to manage community growth so that public facilities and services to current residents of the community will not be adversely impacts by new development.

The Eddie Jones Project adversely impacts the access to the adjacent neighborhood. The Eddie Jones Project also adversely impacts the public skate park on Alex Road.

Page 4.10-45, Community Facilities Element, Policy 0.6, The City shall strive to establish control over the quality, distribution, and rate of growth of the City in order to: a) preserve the character of the community; b) protect the open space of the City; c) protect quality of life in the City; d) ensure the adequacy of municipal facilities, libraries, school facilities, and park and recreation facilities and services; e) ensure a balance of housing types and values in the City which will accommodate a variety of families, including families of low and moderate income; f) ensure the balanced development of the City; g) prevent future significant deterioration in the local air quality; h) ensure that traffic demands do not exceed the capacity of the streets; j) ensure that the City does not grow in a manner that places a severe strain on the local freeway system; k) ensure the adequacy of fire and police protection; l) ensure adequate water and sanitary sewage systems; m) ensure adequate stormwater management systems. (The following subcomponents of this policy did not apply to the proposed project: c, d, e, and i).

The DEIR states "the project would not impact the quality of life within the City." The quality of life for the residents of the adjacent neighborhood will be adversely impacted. The DEIR states, "project air quality impacts would be less than significant." The project brings in a large number of commuters, large enough to require a nearly 600-spot parking log. Additionally, the hundreds of trucks/trailers coming in and out will negatively impact the air quality. The Eddie Jones Project states "impacts to existing intersections and street segments would be less than significant." Again, due to the increased number of commuters and trucks/trailers would negatively impact the existing intersections and streets.

Page 4.10-51, Circulation System Policy 12.5, Private land developers will continue to be responsible for constructing adjacent and internal Arterial Streets, Collector Streets, and Local Streets necessary to provide access and internal service to their subdivisions in a manner consistent with City standards. Developers will be required to contribute to and correct off-site impacts for local streets, collectors, and arterials to insure and maintain a smooth, functional, and safe circulation system.

09-139 Cont.

09-140

09-141

09-142

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The Eddie Jones Project acknowledges "the proposed project would contribute traffic to a failing intersection (SR-76/Benet Road) under several scenarios. Since the project along would not result in the intersection failing below LOS D a fair share payment of 8.5% towards the improvements at that intersection would be required as a condition of approval for the project." If this project is approved, I would urge Oceanside City to determine what the fair share payment would be; 8.5% seems low to account for the number of commuters and trucks/trailers from solely their project. Page 4.10-51, Noise Element, Policy 1, Noise levels shall not be so loud as to cause danger to

public health in all zones except manufacturing zones where noise levels may be greater.

09-143

09-142

Cont.

The Eddie Jones Project assumes the impacts related to noise were determined to be less than significant. However, the addition of truck/trailer noise is still a significant increase in noise pollution from current conditions.

Page 4.10-52, Noise Element, Policy 2, Noise shall be controlled at the source where possible.

The DEIR states "all onsite noise is controlled onsite and noise impacts were determined to be less than significant." The Eddie Jones Project does not discuss nor provide mitigation for the noise pollution created from the trucks/trailers.

Page 4.10-52, Noise Element, Recommendation 4, Truck traffic on residential streets should be prohibited for all vehicles over two tons in weight. This recommendation is based upon complaints from residents subjected to severe noise and disruptions caused by heavy trucks using residential streets not designated for that purpose. (Oceanside currently has no streets prohibited to trucks in excess of certain weight.)

09-144

While no trucks/trailers will enter the adjacent residential neighborhood, they will negatively impact traffic flow, noise pollution, emissions, and overall quality of life during the construction period.

Page 4.10-52, Noise Element, Recommendation 5, Land uses in the City of Oceanside should be planned in order to ensure that residential areas will not be impacted by noise. Approval of any project in the City where the health of future residents or occupants may be adversely affected by noise associated with the site should be taken to reduce or abate the noise effects or should be denied approval and recommended for an alternative site (example- a new rest home or hospital should not be constructed in areas subjected to noise levels 65 dBA or higher).

09-145

The Eddie Jones Project uses zoning ordinance as explanation that the adjacent neighborhood will not be affected by the noise created by the project. Even in the Eddie Jones Project's analysis there will be an increase in noise pollution. However, they state it is within allowable standards. Regardless, any increase in noise pollution is still an increase and will render a negative impact on the current and future residents of the adjacent neighborhood.

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Page 4.10-53 Hazardous Waste Management Element, Pollution Prevention, Hazardous Waste Reduction Goal, The goal of the City of Oceanside is the prevention of pollution of the City's air, water, and soil by hazardous materials and hazardous waste to the greatest extent possible. In the context of this City HWME.

The DEIR states "the project would not result in substantial air pollutant concentrations that would otherwise present a public health hazard." They argue that the increase is insignificant. However, an increase is still an increase from what the residents of the adjacent neighborhood currently enjoy.

Page 4.10-56, Energy and Climate Action Element, Goal ECAE-1a, The Oceanside Community will significantly reduce its dependence on fossil fuels.

The DEIR states it will "comply with the City's CAP" and their "proposed sustainability features include: PV Solar electricity system installed on the building rooftop, drought-tolerant landscaping and water efficient irrigation system, electrical vehicle charging stalls." What it fails to address is that their use of trucks/trailers from their distribution center directly increases the use of fossil fuels in the vicinity of the airport.

09-146

09-147

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Section 4.II Noise

Subject: DEIR Review Date: 11/11/2023, 7:23 PM

From: Anna Kasperowicz <akasperowicz@yahoo.com>

The measure cites using the federal highway noise traffic model from 2004. I'm not an expert by why are they using old data. Perhaps new noise traffic model is not available or not in their favor? Im seeing for noise there references were not current as well we are in 2023 and in areas of this report the measures cited are using eir data from 2004 for the parking lot noise. I have included screen shots that I think we can challenge in the noise area. Maybe another pair of eyes could look these over too.they references used by dudek are all old 2013, 2006.

09-148

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Section: 4.11 Noise

| Subject: DEIR Review Date: 12/1/2023 From: Lynne Stangl < oz bense@yahoo.com> | 1 |
|---|--------|
| My Assignment: Sections 4.11 Noise + 6.4.11 Refer to Appendix H for sound level measurement results + predictive noise modeling Lata, completed by Dudek on site Using A-weighted sound levels to determine (in decibels-idBA) moise levels for "a development like this project." | 09-149 |
| This section delved into the scientific make-up of sound 4 how the human ear receives it. As interesting as this was, the measured baseline outdoor ambient noise levels (Table 4.11-2) were only tecorded in | 09-150 |
| 15 minute increments in the middle of the day. As such the noise predictive models used by Dudek to quantify noise levels from project construction, on-site mechanical equipment operation, + project off-site traffic noise contributions CAN be from quite "off the mark", due to frequency of the reaction than the maximum sound | 09-151 |
| levels of most operating construction equipment. | 1 |

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| site posure "off stronger The proposed project would result in increased traffic noise levels of, they say, would add 1,530 total average daily trips adjacent to the project site * Benet Rd., Alex Rd., + Eddie Jones Way. * I submit it would be more than that, + that those roads could not handle it. | 09-152 |
|---|--------|
| The human reaction to various levels of vibration is highly subjective." So the standards being used MAY NOT be acceptable in this situation. | 09-153 |
| Under Table 4.11-3: Par 2: "Section 36:15 provides that improvements activities by government agencies or public utilities MAY be exempt from the noise level limits upon the city manager Cormanager's designee) determination that the authorization furthers the public interest." WHAT DECIDES IT'S completely IN THE PUBLIC INTEREST? subjective. | 09-154 |

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| ~ . A | Under Table 4.11-4: Par. 1: |
|-------|---|
| | "Existing fencing at the residences |
| | would reduce the noise levels below |
| | the average 75 decibels during an |
| | 8- hour period." |
| | 8- hour period." * What if there's no fencing at |
| | some of the residences) |
| | *What if the distance is less than |
| | *What if the distance is less than 100 feet (from the loud noises) 7 Less than 20 |
| | |
| | Under "Off-site Project-Related Transportation |
| — · | Noise Lévels": |
| | "The project is of the stimated (without) to ONLY generate 540 (!!) daily |
| | to ONLY generate 5 + 0 (1) daily |
| | trips with peak hour volume of 54 trips. |
| • | I surmise that their conclusion that |
| | "the project will add approximately 36% more trackic to Pala Rd. + approximately |
| | more tractic to Pala Rd. + approximately |
| | 25 % or less increase to the remaining |
| | roadway volumes & no direct or cumulative |
| • | impacts are anticipated is patently |
| | false; the percentage |
| | of traffic (+ congestion + noise levels) |
| | will be much higher. |
| | |

09-155

09-156

56

| From 6.4.11 - Noise: | Ī |
|---|--------|
| Cumulative Effects: 2nd par: "The addition of proposed project traffic to the roadway network would result in an increase in the "Community Noise Equivalent Level" of less than 3 decibels, which is below the discernible level of change for the average healthy human ear." | 09-157 |
| Table 4.11-7 in Section 4.11, Noise The ST2 dBA CNEL number of 56.4 under "Existing plus Cumulative plus Project Noise Level" is dangerously close to untenable! | 09-158 |
| | |
| | |
| 57 | |

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Section 4.12 Population and Housing

Subject: DEIR Review

From: Rick Naffis <RNCarlsbad@gmail.com>

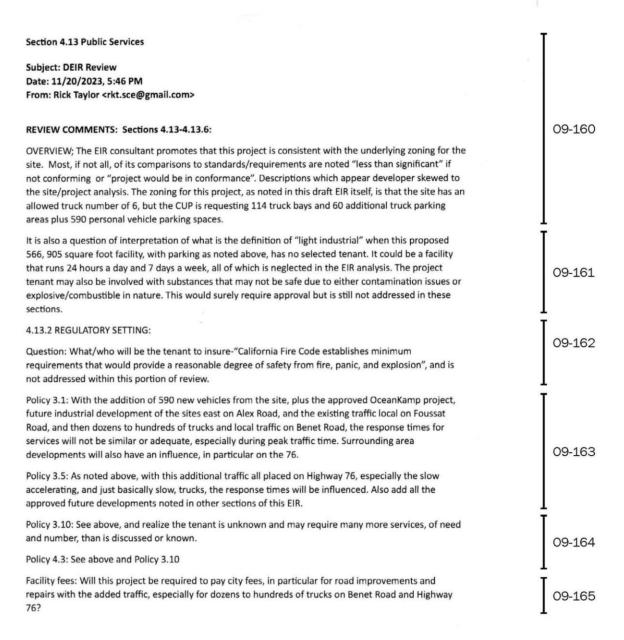
4.12 Population and Housing

Summary provided by developer on analysis of impacts from this project on population and housing: "Impacts related to population and housing as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required."

With regard to Section 4.12 on Population and Housing, emphasis by the developer is put on how this project does not negatively impact plans and goals for population growth or the projected housing need of the City of Oceanside (since it's an industrial development project having nothing to do with residential development). Perhaps there's another section more appropriate for comment, but a primary concern about this massive project in this particular area of Oceanside is about impact on the existing and future population in the immediate area, due to a feared detrimental impact on home values, and deterioration of the quality of life due to increased traffic, noise and pollution levels caused directly by the construction of this facility. That in turn would negatively impact future desirability of living in this immediate area, likely discouraging new homeowners from selecting this neighborhood (as population turnover occurs) and increasing vacancy rates of homes in the area.

09-159

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| 4.13.3: THRESHOLDS OF SIGNIFICANCE | Ţ |
|--|--------|
| -As noted prior, the preparer of the draft EIR is developer employed and has an outlook that leans favorably to any and all aspects of this portion. See prior comment and recognize the fact that the tenant will be the problem on top of the basic site problems. | 09-166 |
| 4.13.4 IMPACT ANALYSIS | T |
| Please note that the analysis and conclusions in this section are based on a project that is nearly three and a half times larger than the existing project, has hundreds of more personal parking spaces and is requesting nearly 20 time more trucks that the existing zoning allows (114+ from 6), or the original facility utilized. | 09-167 |
| All of this will influence the existing north river community on both Foussat and Benet roads, but in particular the traffic congestion and road use and wear on the 76. | 09-168 |
| Fire Protection: Please note, as stated prior, the tenant for this project could be running 24 hours a day, 7 days week. They could have truck traffic of hundreds of trucks a day and into the night. So when comparisons are made they need to be based on worst case and not on developer wishes. And again, there could be possible hazardous materials used or stored on site. | 09-169 |
| Police: As above and that more traffic, and possibly 24/7, will result in more accidents. And more people results in more calls. And as noted, hazardous materials on site can create policing issues as well. | 09-170 |
| As for the analysis of schools and parks. Should it not be assumed, especially with today's gas prices, that a substantial portion of the 590 employees would want to live near their work versus commute? Would not workers want to take their lunch to a park versus sit in the warehouse, the parking lot? Making the assumption that schools will be nominally impacted or parks not utilized appears to be a one-sided opinion. | 09-171 |
| 4.13.5 MITIGATION MEASURES | T |
| As noted in the prior discussions, there is more to the evaluation than what is presented, and public services can and will be affected by this project, even more-so pending the tenant. | |
| 4.13.6 LEVEL OF SIGNIFICANCE AFTER MITIGAQTION | 09-172 |
| As prior and discussed, this analysis is skewed and does not address the worst case issues or the alternate possibilities. It should have the opinion that there are possible significant issues with the majority of this analysis if it were to be looked at in a non-developer frame of mind. | |

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Section 4.14 Traffic and Circulation

Subject: DEIR Review Date: 11/15/2023, 4:45 PM

From: George Marengo < george.marengo@gmail.com >

1) 4.14.4 Impacts Analysis, page 4.14-6 - "As demonstrated in Appendix I, the proposed project would contribute traffic to a failing intersection (SR-76/Benet Road) under several scenarios. Since the project alone would not result in the intersection failing below LOS D, the project proposes a fair share payment of 8.5% towards the provisions of converting the existing eastbound and westbound right turn lanes in each direction."

I say nonsense to the claim that "...the project alone would not result..." because there would be no need to update the eastbound and westbound right turn lanes without this giant warehouse project. Since the warehouse is THE reason the turn lanes would need improvement, I think that the project should pay 100% of the costs of turn lane improvements.

2) page 4.14-8 - The VMT of the project without mitigation would have a potentially significant effect on traffic, which they propose to counter by having a voluntary employer commute program.

My response is that the project should go further and have a PAID voluntary commute program. My previous SoCal employer also had a voluntary commute program, howler, the company supplied all the carpool cars and vans, including covering all vehicle maintenance and fuel reimbursement. This was done to provide a real incentive for employees to participate in the voluntary car pool program.

3) 6.4.17 Wildfire, page 6-13 - While it's fine that the warehouse does not increase the risk of wildfires in the area, I would like to see a commitment by the warehouse that any notification of fire that may threaten the houses to the north of the warehouse would trigger a notification to ALL inbound/outbound big rigs to stop their trip to or from the warehouse.

George Marengo 931 Rivertree Drive 760-505-6376 09-173

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Section: 4.14 Traffic and Circulation

Subject: DEIR Review Comments Date: 12/2/2023, 12:59 PM

From: Douglas Smith <smithdp1@mindspring.com>

Subject:

Draft Environmental Impact Report D22-00001

Eddie Jones Warehouse, Manufacturing and Distribution Facility Project

OCTOBER 2023

STATE CLEARINGHOUSE NO. 2022070365

Prepared for:

CITY OF OCEANSIDE

300 North Coast Highway

Oceanside, California 92054

Contact: Robert Dmohowski

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605 Third Street

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Contact: Vanessa Scheidel

Submitter:

Douglas P Smith 3215 Canyon View Drive Oceanside, CA 92058

Comment:

Title: TRAFFIC AND CIRCULATION

Topic: Would the project conflict or be inconsistent with CEQA guidelines Section

15064.3, subdivision (b)?

Page 4.14-8

"According to the most recent SANDAG map (2016), the Employee VMT by Census Tract for the project location is 87.9% of the regional average, which exceeds the

09-174

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VMT threshold by 2.9%. However, the project would implement **MM-TRA-1**, a voluntary Employer Commute Program which would result in a VMT reduction of 6.2%. Accordingly, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision b with the implementation of **MM-TRA-1**. Prior to implementation of MM-TRA-1 impacts would be significant."

Appendix J Vehicle Miles Traveled Analysis Page 7

The SANDAG Mobility Management VMT Reduction Calculator Tool summary is shown in **Table 3** with output included in **Appendix D**.

TABLE 3: SANDAG VMT REDUCTION MEASURES

| VMT Mitigation Measure | Application | Project VMT % Reduction |
|---|---|----------------------------------|
| Voluntary Employer Commute Program | Future employers will be given an outline of employee commute trip reductions to include disseminating information about SANDAG's iCommute program, carpools, vanpools, subsidized or discounted transit passes, bike amenities, trip reduction marketing, and preferential parking permit program. | -6.2% |

Source: SANDAG

Concern: The transfer of information is not adequate for the benefit/protection of the citizens of Oceanside. The implementation of a voluntary program without oversight by management and/or review of program metrics to validate adherence to Employer Commute Program for the life of the building, assume 30 years.

Additionally, the project may evolve into the following scenarios:

- a. The developer's application of this requirement is only to pass down the relevant option information.
- The developer will sell ownership of the project and without detailing current practices and responsibilities to the new owner adherence won't be assured.

09-174 Cont.

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- c. The developer, as owner, will lease the space to more than one tenant and not be able to monitor adherence.
- d. As the program is voluntary, and not mandatory, how is this to be enforced?



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Section 4.14 Traffic and Circulation

Subject: DEIR Review

Date: 11/22/2023, 100:13:48+0000 From: Mike Kosec <mikekosec@gmail.com>

Passenger Car Equivalent (PCE)

https://www.fhwa.dot.gov/reports/tswstudy/Vol3-Chapter9.pdf

Developer is using a standard PCE formula:

Two Passenger Cars = One Semi-Truck in terms of overall impact on roads. (Not a length of vehicle comparison.

This Federal Highway Administration report says the calculation isn't that simple.

On Page 2-Regarding Trucks:

"In congestion their effect on traffic flow often is much greater (than the standard 2) and they may be equivalent to 15 or more passenger cars."

There's not much more on this study about traffic, but I think this says it all. Plus the PCE standard calculation was developed a long long time ago..

And this is what we've been saying- the entire 76 is congested already- especially at peak hours- so developer's study is skewed toward uninterrupted traffic, not our reality.

09-177

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Section 4.15 Tribal Cultural Resources Subject: DEIR Review Date: 11/10/2023, 4:02 PM From: Ann Marshall <willann543@gmail.com> 09-178 4.15.1 EXISTING CONDITIONS Under heading South Coastal Information Center SCIC records search of the "surrounding 1-mile radius around the project" that identified 33 cultural resources.....and "1 is a prehistoric habitation site and is located 150 meters northeast of the project". Concern: 150 meters actually is within a mile (0.09 mile) Under heading Native American Heritage Commission NAHC response "did not specify if cultural resources intersect the project APE and recommended that the La Jolla Band of Mission Indians be contacted for more information" ,,,,Dudek contacted....."and did not receive a response". In compliance with Assembly Bill 52 ... "The San Pasqual Band of Mission Indians expressed their satisfaction with the consultation process as long as the 09-179 project has a qualified Native American monitor on site, preferably from the La Jolla Band of Mission Indians." Concern: Have they responded yet? "In the event that no tribal monitor is available, the San Pasqual Band of Mission Indians requests to be contracted for monitoring services" but they prefer otherwise. 4.15.2 LOCAL City of Oceanside General Plan 3.2D "An archaeological survey report shall be prepared.....if any of the following conditions 09-180 are met.....the project site is near or overlooks a water body (creek, stream, lake, freshwater lagoon)". Concern: How did the Certified Archaeologist address the river?

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4.16 Utilities And Services

Subject: DEIR Analysis Utilities and Service Systems Date: 11/13/2023, 9:59 PM

From: Mikhael Madello <mikhaelmadello@gmail.com>

DEIR Analysis: Utilities & Service Systems (4.16 & 6.4.16)

Eddie Jones Warehouse, Manufacturing & Distribution Facility

Public Comment

Although comparatively straightforward, impacts analysis of the *Utilities and Service Systems* (as in other sections of the DEIR) consistently rely on incomplete or presumed data which minimizes the potential impact of the project. Moreover, many questions are phrased in such a way as to elicit a pre-determined response. To obtain an accurate conclusion, the *right kind* of questions need to be asked. (Many are very limited in scope, lack important context, and do not account for the real impact on the community. This applies here to a degree but is especially apparent in regards to sections on *Fire* and *Traffic*, to be addressed separately.)

09-181

- 1. Inconsistent number of employees in multiple places throughout DEIR
 - "590 employees" (table 4.16-1), "expected to employ 590 workers" (p 4.13-6, par 1); "approx. 590 employees" (p. 4.13-7, para 5)
 - "approx. 499 permanent jobs on site" (p. 4.13-6), "approx. 499 permanent jobs" (p. 7-2, par 2)

Will the facility employ 499 or 590 workers? Is there a reason for the difference?

- Impacts analyses on electricity and waste (concluding the impact of the project on these areas is "less than significant") appear to be "best guesses" based off assumptions/projections/conclusions that rely on incomplete/missing data and/or are based on "voluntary measures" which cannot be reliably quantified; therefore, conclusions may be inaccurate
 - "California's electricity use per capita in the residential sector is lower than any other state except Hawaii." (4.17-2, para 5)"
 - "...statewide annual peak electricity demand projected to grow... 1.4% annually" (4.17-3)

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Additional context is warranted. For example, if CPUC changes current [usage-based] fee structure to a fixed monthly fee structure based on income, usage will increase dramatically (removes incentive to conserve); these two statements likely will not remain true. Additional infrastructure MAY be required if grid is impacted due to increased residential use

09-182 Cont.

 "In 2011, A 341 established a state policy goal that at least 75% of solid waste generated be source reduced, recycled, or composted by the year 2020." (p. 4.17-5, par)

Was the goal reached? Need additional information

"IF the project is able to achieve the City's recycling goal of 75% or greater... the project's contribution to remaining capacity at El Sobrante Landfill would be 1.11% or less." (4.17-16, par 3).

If the City was unable to reach its goal, it is less likely that a proposed development will be able to achieve it, either

09-183

"Water Conservation Act... is a California state law that requires the state to reduce urban water consumption by 20% by 2020." (4.17-7, par 3) Was the state able to achieve this reduction?

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Section 4.17 Wildfire

Subject: DEIR Wildfire Date: 11/22/2023, 3:02 PM

From: JUDY BONILLA < judy.bonilla@cox.net>

4.17 Wildfire:

Although the project site is within a Very High Fire Hazard Severity Zone (VHFHSZ) and vegetation in the San Luis Rey River Corridor to the north could present a wildfire risk, land uses to the south and east are largely urban and do not present a wildfire risk.

Appendix K:

3.2 GIS Response Travel Time Modeling: 3rd paragraph, 3rd sentence and3.3 Modeling Results: 1st paragraph, last sentence

Both of these sentences contain Stations #1 and/or #2 to which I think they are referring to Stations #7 and/or #3. They should revisit these statements and make sure they are not referring to actual Fire Stations #1 and #2 in their data presentation.

Attachment 2: "Travel Time Response to Project from Existing Oceanside Fire Station 3"

Figure 1 "Oceanside Fire Station 1 - Drive Times", legend and map

This map shows the actual Fire Station #1 (not #3)

They should revisit all information referring to the two fire stations and all data relating to them to make sure the data is referring to Stations #7 and #3 and not to Stations #1 and #2.

Sloppy work. Makes you wonder what other data DUDEK made mistakes on.

Judy Bonilla

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Section 4.17 Wildfire

Subject: DEIR Review Date: 11/28/2023, 10:14 PM

From: Madison Lang <madisonIng@yahoo.com>

4.17 WILDFIRE

4.17.1 Existing Conditions: informs us that Wildfires are an imminent and continuous threat to Southern California and are particularly concerning in the wildland-urban interface. During the summer season, dry vegetation, prolonged periods of drought and Santa Ana wind conditions can contribute to an escalated risk of wildfires in San Diego County.

Fire History: However the gravity of the situation becomes even more alarming in the subsequent section, FIRE HISTORY. Here the study indicates that the project area, mirroring the entire county is subjected to seasonal weather conditions that intensify the likelihood of fire, ignition and rapid spread understand the fire history becomes crucial as it unravels critical insights into fire, frequency, fire type, the most vulnerable project areas and significant ignition sources, among others. CAL FIRE was used to evaluate the project site's fire history to determine whether 'large' fires have occurred in the project area and thus the likelihood of future fires per the fire history data.



However, CAL FIRE maintains the fire and resources assessment program, which, when evaluated, reveals that the project site ominously has been spared from wildfires and that's CAL FIRE 2022 data.

In my investigation I read about a large wildfire in 2017 known as the Lilac Fire. It was situated perilously close to the project area, specifically near Highway 76. Considering the prevailing wind patterns called Land/Sea the fire could have traveled to the SAN LUIS REY RIVER, gain momentum and spread towards the sea which would have reached the project site. There are concerns about the project's susceptibility to similar cataclysmic events.

In the FIRE HAZARD MAPPING section, the report acknowledges the project sites location within a very high fire hazard zone (VHFHSZ). Despite assertions that land uses to the south and east are predominately, urban and pose no wildfire risk, the proximity to the *Lilac Fire* challenges this assertion. The wildfire risk is not confined to the north; the potential for devastating fires, extending Westward toward the San Luis Rey River, cannot be dismissed.

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Historical incidents such as the fatal crash in February 1985, two people died when a plane crashed into an industrial complex located at 594 Airport Rd and exploded inside the building. "I remember hearing the sound of an engine sputtering overhead, and the next thing I knew the plane came blasting through the roof in a ball of fire." Said Tom Weatherby, a machinist working in the company's machine shop at the time of the crash. As you know planes carry a lot of fuel and the fire could have traveled a lot further and damaged the entire complex. That location is pretty close to where the Carlyle Group would like to build the Eddie Jones Warehouse. Warehouses, close to any type of airport, especially those that will house 114 Trailer Trucks that hold 500 gallons of fuel each are asking for trouble.

Another crash in January 2019, killed one man and another man was trapped for hours after their plane crashed on the hillside above Highway 76. The plane was carrying a lot of fuel, as it had just taken off from Oceanside Municipal Airport. A fire, like that, could easily have spread through the acres of vegetation, cross Highway 76 and continue onto the Eddie Jones project location. I underscore the peril of such occurrences. Planes laden with fuel present a volatile threat, with the ability to trigger catastrophic fires that a can extend far beyond their crash sites. The stark reality of the situation is further emphasized by a crash near the Oceanside Municipal Airport in February 2022, where a skydiving plane crashed just short of reaching the Oceanside Municipal Airport. One person was killed and another injured. The fuel could have spread causing a fire and spread onto the property near where some want to build the Eddie Jones Warehouse.

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Vegetation Communities and Land Covers: Variations in vegetative cover type and species composition have a direct effect on fire behavior. A critical factor to consider is the dynamic nature of vegetation communities. Biomass and 09-190 associated fuel loading will increase over time if disturbance or fuel reduction effects are not diligently implemented. Topography/Terrain: Topography influences fire risk by affecting fire spread rates. Typically, steep terrain results in faster fire spread upslope and slower spread downslope. This describes the San Luis Rey River. Most of the river runs below the ground and it's covered in dead and green shrubs that grow up hill. 09-191 The projected site for the new warehouse is literally sitting on top of the river and the river continues, visibly on the other side of Benet across from what would be the warehouse. Climate, Weather and Wind: Your data states that the project site does not include topography or slope variations that would create unusual weather conditions, such as high wind velocities, that would lead to increased fire risk. 09-192 Then in the very next sentence the data reads, "However, the site is subject to seasonally strong winds, such as Santa Ana winds, which can result in periodic extreme fire weather conditions that occur throughout the City. 4.17.2 Regulatory Settings: Federal; National Fire Protection Association codes, standards, recommended practices, and guides are recommended good practices in fire prevention BUT they have not been adopted by the California 09-193 Fire Code (CFC). The International Fire Code had not been adopted by the CFC. The International Wildland-Urban Interface Code had not been adopted by the CFC.

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The Fire Code: The Uniform Fire Code contains regulations that help fire fighters. The code contains specialized technical regulations related to fire and life safety.

State: California Government Code provide guidance for classifying lands in California as fire hazard areas and provide requirements for management of property within those lands. CAL FIRE is responsible for classifying FHSZs based on statewide criteria and making the information available to the public. Further, local agencies must designate, by ordinance, VHFHSZs within their jurisdiction based on the recommendations of CAL FIRE.

Per the section Fire Hazard Mapping: CAL FIRE states that although the project site is within a VHFHSZ, and vegetation in the San Luis Rey River corridor to the north could present a wildfire risk, land uses to the south and east do not present a wildfire risk. What about to the west? Land/sea (diurnal winds) blow east and west which is the direction of Highway 76.

09-193 Cont.

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Potential Places for Wildfire start and spread include:

Homeless Camps Illegal Off-road

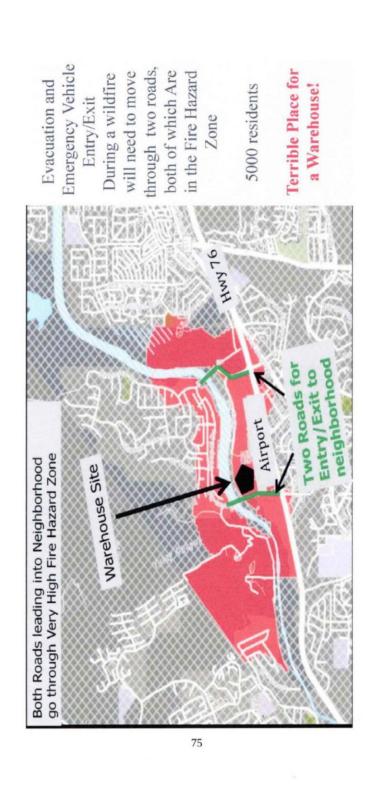
Unauthorized Activity

Canyons/Slopes

09-195

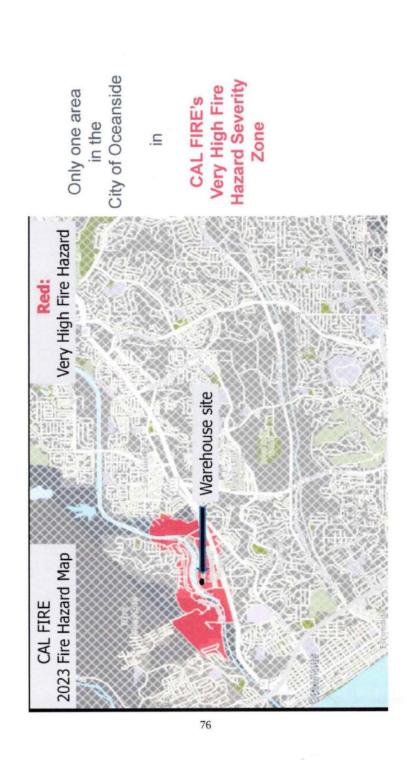


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09-195 Cont.

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Section 5.0 Effects Found and Not to be Significant

Subject: DEIR Review Date: 11/20/2023, 10:06 AM

From: Alyce Budde <ajbudde@cox.net>

5.2 Mineral Resources

"Would the project result in the loss of availability of locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?"

I am not sure how they determined this would be found to not be significant, how would we know that? the project site is located within mineral resource zone three which is designated that areas containing mineral deposits. How can they determine this would not be significant? The developer talks about all the beautiful landscaping, trees that will be planted, how do we know what the effect of fertilizers they use, pesticides they use, and the runoff that will occur will not significantly affect the minerals resources in this area?

5.3 Reccreation

A significant impact related to recreation would occur if the project would:

A. Increase the use of existing neighborhood and recreational parks or other recreational facilities, such that substantial physical deterioration of the facility, what occurred or be accelerated.

B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

The report states this to be less than significant. How can they determine that? it is yet to be seen, there are no absolutes here. The project indicates they would employ approximately 500 people. We do not know if these people reside in our area and use our facilities. This has the potential to affect the skate park exponentially. It could potentially increase the use of the bike path, our beaches and parks.

I don't understand how the EIR report can deem effects found not to be significant. The effects of this are yet to be seen. They do not know how this project, the size of the build, who the tenants will be, and who the employees will be as to how they will use the surrounding recreational facilities.

Alyce

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| Section 8.1 Alternatives | Ĭ |
|--|----------|
| Subject: DEIR Review | |
| Date: 11/16/2023, 4:36 PM | - |
| From: Kim Stone <kimstone899@gmail.com></kimstone899@gmail.com> | |
| | |
| Figure 8-1 Multi Building Alternatives | 09-199 |
| This section is a collection of letters from various organizations interested/questioning the aspect of this | |
| project. Included are 196 letters from local residents in opposition to this project. | |
| Of special note is the letter from Cal-Trans requesting the project to use the Governor's Office of | |
| Planning and Research Guidance to identify Vehicle Miles Traveled (VMT) related impacts. The Traffic | |
| Impact Study (TIS) may also need to identify the proposed project's near-term and long-term safety or | |
| | t |
| operational issues, on or adjacent to any existing or proposed State facilities. The TIS <u>should also</u> | 09-200 |
| evaluate fire/emergency evacuation for the adjacent housing community to the north that routinely | + |
| uses Benet Road and Foussat Road as access to SR-76. This Draft Environmental Report (DEIR) clearly | 1 |
| failed to comply with this aspect. Furthermore, Caltrans supports collaboration with local agencies to | 09-201 |
| work towards a safe, functional, interconnected, multi-modal transportation network integrated through | |
| applicable "smart growth" type land use planning and policies. | L |
| The letter from San Diegans for Sustainable Economic and Equitable Development (SDSEEDS) voiced | Т |
| concern that the project is located in an area where people are vulnerable to pollution effects | l l |
| (CalEnviroScreen Percentile Score 72, including Pollution Burden Percentile Score 71). The DEIR must | |
| therefore include a Health Risk Assessment (HRA). The HRA should include both construction and | 09-202 |
| operational diesel PM emissions, and cancer risk assessment (The Office of Environmental Health Hazard | |
| Assessment (OEHHA) guidance recommends assessing cancer risks for construction projects lasting | l l |
| longer than two months). The developers report fails to satisfy this requirement. | l l |
| longer than two months). The developers report fails to satisfy this requirement. | - |
| Figure 8-2 Reduce Building Footprint Alternatives | T |
| | 09-203 |
| This section shows a draft of 2 separate buildings, totaling 542,120 square feet. This is not a significant | 09-203 |
| reduction. The same number of negative impacts still remain. | 1 |
| | |
| 6. Appendix A, Notice Of Preparation and Comment Matrix Optimized | Ι |
| This item is addressed Figure 8-1 Multi Building Alternatives. | 09-204 |
| 9 | 1 |
| - Appendix B, Air Quality Greenhouse Gas Technical Report | T |
| While this report claims to address air quality and greenhouse gases, it fails to address the fact that the | 09.205 |
| | 03-205 |
| project is located in an area where people are vulnerable to pollution effects (CalEnviroScreen | † |
| Percentile Score 72, including Pollution Burden Percentile Score 71). An additional negative impact is to | ₩ 09-206 |
| | |

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| the wildlife currently in the area. This project is directly in the path of the Pacific Flyway Zone for bird migration to and from Whelan Lake, administered by the Buena Vista Audubon Society. | 1 09-206 Cont. |
|--|--------------------------------------|
| - Appendix C, Biological Technical Report This section claims no negative impact on protected species habitats, i.e. birds, mammals, reptiles, etc. This claim is false. Destruction of habitats has already occurred within the area that has already been cleared of all vegetation. Further destruction will occur during construction of the project. Once the project is operational, the noise and pollutants will further degrade the existing habitats. | 09-207 |
| Appendix D 1&2, Negative Cultural Inventory and Report This section requires continual observance by local Native American tribes. Care <u>must</u> be taken that this is complied with. Should such artifacts be discovered, all construction is to be halted immediately. | 09-208 |
| Appendix G, Storm Water Quality Mgmt. Program This section claims there will be no negative impacts to stormwater related to the tractor trailers that serve the project. This claim is outrageous when considering the volume of tractor trailers (114 loading docks) serving the facility. This compliance is highly questionable. | 09-209 |
| - Appendix H, Noise Technical Report This project proposes the construction of 114 loading docks. This will clearly generate unacceptable volumes of noise caused by excessive idling of diesel engines, shouting, loud music and back-up beepers. These noises would be exacerbated during times of construction. Construction is anticipated to last for at least one year. Furthermore, warehouse related noise is one of the major impacts on local resident's property values. | 09-210 |
| - Appendix I, Local transportation Study The use of local transportation by employees is strictly based on the hiring of local employees. Traditionally warehouse employees are on the lower scale of salaries. This being the case, it is anticipated that the employees of this project will not be able to afford to live locally. The San Diego area is currently the highest cost of living area in the country. Therefore, employees of this project will not be able to participate in local transportation options. This section clearly is not in compliance. | 09-211 |
| - Appendix J, Vehicle Miles traveled Analysis The size of this proposed warehouse at 568,000 square feet places it in a High-Cube warehouse category. This warehouse clearly does not fall into a light industrial category. How many tractor trailer trips will be made daily in order to serve 114 loading docks? Will diesel refrigeration trucks be included? If so, refrigeration trucks must be running at all times, generating additional noise and pollution. Many questions are left unanswered because the developers claim no knowledge of who will occupy/purchase/lease the facility. This report is totally without merit. | 09-212 09-213 09-214 09-215 |

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- Appendix K, Fire Response Technical Memo This portion of the report focuses solely on the impacts of fire emergencies related to the project. It completely ignores fire emergencies related to the residents of the 1,200 home community contiguous 09-216 to the project. This issue was addressed numerous times in verbal and written complaints. Cal-trans even recommended that the project should also evaluate fire/emergency evacuation for the adjacent housing community to the north that routinely uses Benet Road and Foussat Road as access to SR-76. The Oceanside Fire department stated that industrial warehouses of this magnitude generally 09-217 means the presence of high-piled combustible materials. This creates a HAZMAT element that increases the call volume and creates hazards for first responders. The increase in traffic created by 09-218 this project will also generate an anticipated increase in traffic collisions involving flammable and combustible liquids (gasoline) and electric powered vehicles. The facility is also located in a high fire severity zone, meaning an additional load on evacuations. Sheltering in place is highly doubtful. This section is not in compliance. Appendix L, Geotechnical Investigation Numerous recommendations were made by Nova Services in this section. However, there is no mention of oversight or compliance. Appendix M 1,2,3, Environmental Site Assessment The validity of the entire Environmental Site Assessment report hinges on final evaluations being made by the Department of Toxic Substances Control (DTSC). This process is currently underway. NOTE: This DEIR is 10,200+ pages. The average size of an EIR is 600 pages. The report should be complete, easily understood, objective, factual and internally consistent(USDOT). Reports developed in excess size are generally created with the intent that the volume will deter any opposition. This DIER appears to be created with that intent in mind.

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Response to Comment Letter O9

Oceanside Speaks Out (0S0) December 28, 2023

- O9-1 The comment is an introduction to the comments that follow and refers to information included in the Executive Summary that explains the general format of the DEIR. The comment does not raise any specific issues related to the adequacy of the DEIR; therefore, no further response is required.
- O9-2 The comment argues that the future tenant must be known for the City to evaluate the project under CEQA. Please refer to Thematic Response 3 for a detailed response regarding that opinion and why it is not supported by relevant law.
- O9-3 The comment states that the reduction of truck bays is not relevant due to speculation about what the author believes might happen in the future. Please refer to Thematic Response 6 for a detailed response regarding the reduction in truck bays.
- The comment offers various general opinions about the adequacy of the DEIR and the project without proper supporting evidence. The comment is unsubstantiated. The DEIR identifies potentially significant project impacts and feasible mitigation measures to reduce impacts to less than significant. In addition, as stated on page 1-1 in Chapter 1, Introduction, the DEIR was prepared to "provide the City's decision makers, public agencies, responsible and trustee agencies, and members of the public with information about (1) the potential for significant adverse environmental impacts that would result from the development of the proposed project; (2) feasible or potentially feasible ways to minimize any significant adverse environmental impacts that would result from the development of the proposed project; and (3) a reasonable range of potentially feasible alternatives to the proposed project that would reduce or avoid significant adverse environmental impacts associated with the proposed project (California Public Resources Code Section 21002.1[a]; 14 CCR 15121[a])." The comment does not include any evidence to support the position that the project would result in other significant project impacts and does not provide any specific issues related to the adequacy of the DEIR; therefore, no further response is required.
- O9-5 The comment offers various opinions about the project and the author's beliefs about the benefits the project offers to the City, motivations of the applicant, and supposed adverse consequences of the project without substantiation. For example, the comment does not indicate how the project would affect the use of the Prince of Peace Abbey property located approximately 2 miles west of the project site. Please refer to Thematic Response 5, which addresses uses allowed on the site based on the City's underlying land use designation and zoning. Further, the comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment claims that a conflict of interest exists between the applicant and the preparer of the DEIR (Dudek) based on the author's opinions and unsubstantiated arguments about motivations of the same. Consistent with CEQA, the DEIR uses language such as "less than significant" when evaluating the significance of an impact based on the thresholds of significance. As stated in Section 15064.7(a) of the CEQA Guidelines, "A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect

normally will be determined to be less than significant." The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- O9-7 The comment references the two community outreach presentations held by the project applicant and provides their opinion on the motivations behind the presentations. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-8 The comment includes a quote from the introduction to the DEIR Executive Summary and states an opinion that some significant project impacts cannot be mitigated or avoided. The comment does not identify which impacts the author believes cannot be mitigated to less than significant. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-9 The comment argues that the project would result in significant impacts to greenhouse gas emissions, noise, and transportation. However, the comment does not provide substantiation to support the opinions offered. Project impacts associated with greenhouse gas emissions, noise, and transportation, for both construction and operation, are analyzed in detail within Sections 4.7, Greenhouse Gases; 4.11, Noise; and 4.14, Traffic and Circulation. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-10 The comment asserts that the project would "create a considerable amount of diesel exhaust, carcinogenic particulate matter," "generate constant and potential 24/7 noise," and create extreme traffic congestion. The author does not substantiate those opinions.

In contrast, Section 4.2, Air Quality, and Appendix B of the DEIR evaluated the project in light of applicable air quality significance thresholds. That detailed analysis prepared by air quality experts included, among other topics, a determination of whether the project would cause an exceedance of criteria air pollutants such as ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), PM₁₀, and PM_{2.5}. Additionally, the DEIR includes a construction and operational health risk assessment to assess the potential for the project to generate toxic air contaminants (TACs), which resulted in less than significant impacts to human health without the need for mitigation. The DEIR concluded that air quality impacts would be less than significant during operation, and no mitigation is required. Additionally, please refer to Thematic Response 4.

Similarly, Section 4.11, Noise, and Appendix H of the DEIR include the analysis of the project's potentially significant noise and vibration impacts and was prepared by subject matter experts. Relevant to the comment, page 4.11-8 of the DEIR explains that project operations must comply with the City's noise standards. Relying on existing condition sound measurements and project specifics and noise predictive modeling, the DEIR quantifies project-related impacts from project construction, on-site operations, and project off-site traffic noise contributions. The DEIR demonstrates that noise and vibration impacts would be less than significant, and no mitigation is required.

Finally, Section 4.14, Traffic and Circulation, and Appendices I and J of the DEIR analyzed the project in relation to transportation and circulation related significance thresholds. Refer to Thematic Response 2 for a detailed response related to propriety of the DEIR's analysis of those CEQA topics. As documented in the DEIR, the project would have less than significant impacts with mitigation.

Additionally, please refer to Thematic Response 6, which discusses the project's reduction of truck bays in final plans.

- O9-11 The comment speculates about noise from the project's HVAC and truck bays and the cumulative noise effects of operation. The commenter fails to acknowledge that the closest residents are located approximately 0.15 miles from the edge of the project improvements. Please also see Thematic Response 6, which identifies changes made to the project after the DEIR was released, in response to community input, which include reducing the number of loading docks. Section 4.11, Noise, and Appendix H of the DEIR analyzed construction and operational noise. Table 4.11-8 on page 4.11-14 of the DEIR demonstrates that combined operation noise (including HVAC operations, parking lot noise, and loading dock activities) would not exceed the City's noise standards along the northern property line and at the nearest sensitive receptor, and the impact would be less than significant.
- **09-12** The comment offers assertions about air circulation patterns in the project area and what that might mean for any air pollutants from trucks. In the author's opinion, pollutants would get trapped and settle in the residential neighborhood to the north.

The analysis of air pollutants associated with the project is evaluated in Section 4.2, Air Quality, of the DEIR. In the DEIR, the general climate and topography as it relates to dispersal of air pollutants is described on pages 4.2-1 and 4.2-2. The wind patterns in the project area are predominantly from west to east, with prevailing winds generally westerly to northwesterly. Inversions in the region are typically created when air pollutants get trapped against the mountains to the east, which can act as a barrier. The author speculates about the nature of project operations to support its arguments. However, the DEIR relied on air quality modeling software developed by CAPCOA and state agencies to model pollutants associated with project operations, which include truck trips, landscape maintenance equipment, and consumer products, to determine if emissions would exceed any of the air district thresholds for various pollutants. As shown on Table 4.2-8 on page 4.2-22 of the DEIR, operation emissions would not exceed any threshold. In addition, the construction and operation air quality health effects were also evaluated in accordance with applicable health risk assessment protocols, and impacts were found to be less than significant.

- O9-13 The comment offers arguments based on a misunderstanding of the scope and subject matter of transportation analysis under CEQA and the DEIR's analysis of the same. The comment specifically mentions traffic congestion on SR-76 and the Ocean Kamp Project. Refer to Thematic Response 2 for a detailed response on how traffic impacts were evaluated, in compliance with CEQA. Further, as disclosed in DEIR Section 4.14, where applicable, the analysis addresses both existing and future traffic on SR-76 with and without the project, as well as the Ocean Kamp Project as a cumulative project.
- The comment cites a sentence in the Executive Summary that explains that implementation of mitigation measures would reduce the project's potentially significant air quality and GHG impacts to a less than significant level. The commenter then offers an unsubstantiated opinion that air pollutants associated with project operations are not able to be mitigated. Please see Response to Comment O9-12 and Section 4.2, Air Quality, and Appendix B of the DEIR for detailed information and modeling results to support the DEIR's analysis and determination of a less than significant impact. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- O9-15 The comment states an opinion that the DEIR should not have determined that the project would not have any significant and unavoidable impacts. However, the comment does not identify any areas of concern or provide support for the opinion offered. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-16 The comment criticizes the project alternatives identified in the Executive Summary and states the DEIR does not include any "meaningful alternatives" to a warehouse use and ignores other development concepts shared by the public.

As required by CEQA, the DEIR includes a discussion of a reasonable range of alternatives in Chapter 8, Alternatives. The analysis of alternatives was drafted in accordance with Section 15126.6 of the CEQA Guidelines. Please also refer to Thematic Response 5, which addresses the underlying land use and zoning and development allowed on the site. The comment does not reference the CEQA standards for alternatives nor does it challenge the DEIR's compliance with those standards. Rather, the comment explains why the author thinks the project site should be developed for different uses even while recognizing the proposed use complies with the applicable zoning. The comment does not raise specific issues regarding the adequacy of the DEIR; therefore, no further response is required.

- O9-17 The commenter expresses their opinion regarding the merits of the project as a job creator and tax generator and what should be the proper "vision for the future" of Oceanside. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-18 The commenter reiterates the author's support for the No Build Alternative. Please see Response to Comment O9-16 for a discussion of CEQA's requirements related to alternatives analysis and the DEIR's alternatives. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-19 The comment reiterates the author's opposition to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-20 The comment expresses the author's opinion that the City should reject the DEIR as inadequate. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-21 The comment requests again that the DEIR address additional alternatives. See Response to Comment O9-16 regarding the adequacy of the DEIR's alternatives analysis. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-22 The comment expresses support for the No Build Alterative without substantiation for that opinion and does not raise any specific issues concerning the project. See Response to Comment O9-16 regarding the adequacy of the DEIR's alternatives analysis. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-23 The comment suggests that the light and glare analysis in Section 4.1, Aesthetics, of the DEIR did not address the headlights from semi-truck activity. In response, through a combination of the existing San Luis Rey River bike trail berm that parallels Alex Road along the northern project boundary, mature riparian trees in the San Luis Rey corridor, and the proposed floodwall around the site, semi-truck

lighting would be intercepted on the project site and diminished such that any potential light from the project site would not adversely affect the quality of existing nighttime views. Semi-truck headlights are typically mounted at a height of around 3 to 4 feet above the ground. This height is optimal for providing adequate illumination of the road ahead while also ensuring visibility to other vehicles on the road. The distance from the project site to the closest receiving residence to the north is approximately 0.15 miles, across the San Luis Rey River. There is no reasonable and non-speculative rationale for trucks associated with operation of the project to be driving north of the San Luis Rey River on Benet Road at night or otherwise. Further, the mobile nature of truck lighting would not create a static scenario where nighttime illumination is continuous.

O9-24 The comment states that since the project is not within the City's transit priority area, the project would automatically have significant parking and aesthetic impacts. Support does not exist for the author's position.

As the DEIR notes on page 4.1-3 in Section 4.1, Aesthetics, California Public Resources Code states that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." The proposed project would qualify as an employment center project on an infill site; however, the project site is located just outside of a transit priority area and the City's Smart and Sustainable Corridors Plan. Therefore, as required by CEQA, the EIR analyzed the aesthetic impacts of the project; CEQA does not contemplate parking as a standalone significant impact area. The comment does not raise any specific issues related to the DEIR's analysis; therefore, no further response is required.

O9-25 The comment states that the setback from the San Luis Rey River differs from the prior building setback on the site and closes with the conclusion that the "aesthetic difference is astounding."

The comment does not raise any specific issues related to the DEIR's analysis; therefore, no further response is required. Further, the comment does not take into consideration the DEIR's analysis of aesthetics and other CEQA topic areas relative to the project's proximity to the San Luis Rey River. For example, page 4.1-8 of the DEIR discloses that the San Luis Rey River Trail and embankment, located off the project site, forms a hard boundary between the project site and the river habitat areas and riparian edge. The project would maintain the 100-foot-wide buffer from the edge of the San Luis Rey River riparian habitat and would not encroach into the 100-foot-wide buffer as contemplated by the City of Oceanside Draft Subarea Plan. The proposed project structures and parking and circulation areas have been designed and located to specifically avoid the biological and planning buffers. The project would be in conformance with all General Plan policies related to visual impacts and site design and would be consistent with the City's zoning ordinance. Please refer to Thematic Response 4 for more information specific to the San Luis Rey River Bike Path.

O9-26 Focusing specifically on the height of the project buildings, the commenter states their opinion that views of the project from Benet Road, the San Luis Rey River Bike Path, the airport, and residences along Toopal Avenue would be negatively impacted due to the size and scale of the project. The comment does not raise any specific issues related to the DEIR's analysis, nor does it address CEQA's significance criteria for aesthetic impacts; therefore no further response is required.

Nonetheless, the project height and other relevant features were analyzed as part of the DEIR's aesthetic analysis and the determination that the project would have less than significant impacts. For

example, the DEIR discloses that the building's height is consistent with the Limited Industrial (IL) zoning designation and the project design accounts for required building setbacks and airspace height limits established by the Oceanside Municipal Airport Land Use Compatibility Plan. As noted on page 4.1-7 of the DEIR, the project site is located in an urbanized area and so it is required to comply with the City's zoning and other regulations governing scenic quality. As discussed in Section 4.1, Aesthetics, the nearest officially designated state scenic highway is located approximately 27 miles south of the project site, and potential scenic views from private properties are not considered scenic vistas. Implementation of the project would not block any existing views of the river from public vantage points.

- O9-27 The comment offers the author's conclusions about how the project will look. Please see Response to Comment 09-26.
- The comment includes an opinion that the project's site design is not complimentary with adjacent land uses and would block views from the surrounding area. Please see Responses to Comments 09-25 and 09-26 for the scope of the CEQA aesthetics analysis and a discussion of how the DEIR complies with those requirements. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-29 The comment refers to the City's Economic Development Element, which encourages enhancement of the City's tree canopy, and states the project would not replace the existing tree canopy. The comment also refers to the light pollution regulations and states that the DEIR did not address the headlights from semi-truck activity. With regard to vehicle headlights, refer to Response to Comment O9-23. With regard to lighting, Section 4.1 of the EIR discusses applicable lighting regulations and provides a project analysis for lighting and glare.

The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Regardless, the project's landscaping plan includes landscaping along the Benet Road frontage and Alex Road connection and throughout the site with a mix of trees, shrubs, and other plantings. The City mandates a 1:1 replacement ratio for any tree removed. Therefore, whenever a tree is removed, it is a requirement to replace it with a new tree of equivalent size. This rule ensures that there is no reduction in the total number or size of trees, maintaining the integrity of the urban tree population. The landscaping plan is designed to exceed the City's tree canopy tree minimum requirement (DEIR, p. 4.1-8). Therefore, it would not reduce or diminish the existing tree canopy.

- O9-30 The comment states that the building would degrade the quality of public views, and the project height does not blend in with the surrounding area. The comment does not address the CEQA significance thresholds when offering the author's opinions about the project. Refer to Responses to Comments O9-26 and O9-27.
- O9-31 The comment refers to the Conditional Use Permit (CUP) required by the project because of the number of truck terminals and states an opinion about whether the project fits with the surrounding area and creates any visual interest. The zoning requires any Wholesaling, Distribution, and Storage Facilities over 50,000 square feet in floor area and with more than six heavy trucks on the premises at one time, considered Trucking Terminals, to obtain a CUP pursuant to Section 1320(L-11) and Section 415(I)(1) of the Zoning Ordinance. The DEIR evaluates the aesthetic impacts of the project relative to CEQA's thresholds of significance. Please also refer to Thematic Responses 5 and 6 for more information on what is allowed under the existing land use designation and zoning and changes made to the project

after the DEIR was released. The comment does not address a specific CEQA topic area or the DEIR's analysis; therefore, no further response is required.

O9-32 The comment states the DEIR does not accurately describe the existing lighting conditions in the vicinity of the project area based on a single sentence from the DEIR. The comment also states that the project's exterior lighting is substantial compared to the previous occupant due to the size of the building, without referencing the CEQA standards.

As described in Section 4.1 of the EIR, lighting in the project vicinity is associated with roadway lighting and the existing airport, industrial, commercial, and residential uses that surround the project site. Although the proposed project would result in new sources of light in the area, as disclosed in the DEIR and these responses to comments, through compliance with the City's Municipal Code, CALGreen Building Standards, and the Oceanside ALUCP, as well as the implementation of project design features, which will be required as a condition of project approval, impacts related to light and glare were determined to be less than significant.

Section 4.3, Biological Resources, of the DEIR describes the mapping of the top of bank of the San Luis Rey River to establish the 100-foot development buffer.

As stated in the DEIR in Section 4.1 and Section 4.3, California Public Resources Code Section 21071 defines an "urbanized area" as "(a) an incorporated city that meets either of the following criteria: (1) has a population of at least 100,000 persons, or (2) has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." As of 2020, the City of Oceanside had an estimated population of 174,068 (U.S. Census Bureau 2022), which is well over the 100,000-person threshold. Thus, the City of Oceanside would be considered an urbanized area per CEQA. Therefore, the project is located in an urbanized area and adjacent to developed areas, with the exception of land along its northern border.

With respect to lighting, the CEQA threshold of significance requires an evaluation of whether a project would "Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area." The DEIR properly evaluated the project relative to that threshold. For example, as described in the DEIR starting on page 4.1-9, project lighting features would consist of energy-efficient lighting that would be fully shielded and directed downward to minimize light trespass onto surrounding properties, as all outdoor lighting must meet requirements outlined in Chapter 39 of the City's Municipal Code (light pollution ordinance) requiring appropriate shielding of outdoor lighting. Furthermore, the project would be required to comply with light pollution reduction requirements outlined in Title 24, Part 11 of the 2022 California Green Building Standards Code (CALGreen).

Section 4.3 of the Final EIR has been updated to clarify that potential impacts related to project lighting would be less than significant. As the comment does not address the DEIR's analysis of the actual significance threshold, no further response is required.

O9-33 The comment serves as an introduction to the comments that follow (09-34 through 09-57). The commenter notes that their comments are related to the Executive Summary and the air quality section of the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- O9-34 The comment states that the DEIR analysis, conclusions, results, and mitigation are invalid because the future "operation and land use" of the project is not identified. Based on context, it appears that the author is speculating about potential future uses of the project. Please see Response to Comment O9-35 and Thematic Response 3 for a detailed response regarding the issue of speculations about future tenants of the project.
- O9-35 The comment states that the actual operation and land use of the project will not be determined until the project is built and the DEIR may not be valid depending on the future tenant and operation of the project.

The project applicant has submitted a development application for construction and operation of a warehouse and distribution facility based on what is allowed under the land use and zoning and what the applicant understands about project operations (e.g., no cold storage). That information and the project materials submitted to the City as required for the discretionary permitting process must serve as the basis for the CEQA analysis. The City does not require, nor could it require, a development application to identify the name of a future user or the specific industry of that user when it is not known. Speculation about future users that might be different, whether ascribed to some out of context statement of the applicant or members of the public, are not a proper basis for the CEQA analysis. As required by CEQA, the DEIR analyzed and disclosed the potentially significant adverse environmental impacts of the project as proposed. If a future tenant proposes a change in use compared to what the project approvals and DEIR analyzed, the City would review the proposed changes at that time to determine if subsequent approvals and/or CEQA review would be necessary under applicable law. Please refer to Thematic Response 3 for more information regarding a future tenant.

O9-36 The comment asserts concern that Alex Road might not be limited to passenger vehicles and Benet Road might not be limited to truck traffic only, as stated in the DEIR. The author states that truck traffic might use Foussat and Alex Road to access State Route 76 and the project site.

As stated in DEIR Chapter 3, Project Description, on page 3-4, truck access would be designed to accommodate trucks accessing the site from Benet Road: "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." The City would require trucks travel only on Benet Road as a condition of approval for the project. Trucks would use the most direct route to reach their destination. The idea that trucks would drive north and away from SR-76 is speculative and would not be a logical route choice because it is not a direct route. Further, there are existing industrial businesses along Airport Road north of the San Luis Rey River, which have truck traffic currently using Benet Road.

O9-37 The comment discusses the aspects of the project that require a CUP, stating an opinion that the increase in square footage and number of trucks allowed on site is excessive. The City is required to review projects larger than 50,000 square feet or with more than six trucks on site at one time to determine if it would be appropriate to approve a CUP for the project. The DEIR analyzes and discloses the potentially significant impacts of the project based on the number of truck terminals identified in the application materials. Therefore, from a CEQA perspective, the DEIR complies with the law. Please see Response to Comment 09-35 and Thematic Response 3 regarding the comment's assertions regarding future project tenants.

O9-38 The commenter offers opinions that the project would provide a minimal number of new jobs and does not meet Project Objective 2 and it would benefit the City to develop the site with a different use that would create more jobs.

Project Objective 2 states: "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" (DEIR p. 3-1). As the DEIR and other project materials demonstrate, the project proposes warehouse, distribution, and manufacturing uses that, by definition, would be employment-generating uses that would meet the underlying land use designation and zoning consistent with this project objective. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

O9-39 The commenter opines that the project does not enhance existing infrastructure, as set forth under Project Objective 4, and would be a burden to Highway 76.

Project Objective 4 states: "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" (DEIR p. 3-1). Due to the project's proximity to State Route 76 and the Oceanside Municipal Airport, it would be able to take advantage of the existing infrastructure that supports the transport of goods. The project is also proposing to upgrade existing pedestrian connections within the public right-of-way to surrounding properties and install stormwater conveyance in the public right-of-way that would transport stormwater from the project site. The proposed subterranean vaults/stormwater biofiltration treatment facilities are proposed o -site to treat project stormwater before it leaves the site and enters the public stormwater conveyance system. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

O9-40 The commenter states the project would not meet Project Objective 5 and expresses their opinion that there is no need or demand in the City for the project and suggests a biotech or life sciences use would better meet this objective.

Project Objective 5 states: "Fulfill a demand for industrial and manufacturing uses in the city" (DEIR p. 3-1). The project is an industrial use designed to provide a warehouse, manufacturing, and distribution facility consistent with the underlying land use designation and zoning and this project objective. The commenter's desire to see a biotech or life science use on the project site is noted. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please see Thematic Response 3 regarding a future tenant of the site.

09-41 The commenter states that since a tenant is not known, uncertainty exists about whether the project would meet Project Objective 7.

Project Objective 7 states: "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" (DEIR p. 3-1). As discussed in Sections 4.8, Hazards and Hazardous Materials, and 4.11, Noise, of the DEIR, the project site is located adjacent to the Oceanside Municipal Airport along the site's southern boundary and would meet the airport's requirements for development within the airport's safety zones.

As detailed in Section 4.11, warehouses and distribution facilities are compatible land uses within the 60 dB and 65 dB noise contours. Since the project is zoned as an industrial use it would not exceed the City's applicable standards of 70 dB during the daytime hours and 65 dB during the nighttime hours. Therefore, the proposed project would not expose people working in the project area to excessive noise levels. The project, as proposed and evaluated in the DEIR, would be consistent with Project Objective 7. Please see Response to Comment O9-35 and Thematic Response 3 for more information regarding a future tenant.

- O9-42 The comment repeats the author's position about the CUP and the number of trucks allowed on site. Refer to Response to Comment O9-37 and Thematic Response 6 for more information regarding changes made to the project after the DEIR was released.
- O9-43 The comment speculates about the potential for an unknown future use to result in different impacts with respect to greenhouse gas emissions, hazards, noise, and traffic. Please see Response to Comment O9-35 and Thematic Response 3 for information regarding a future tenant.
- O9-44 The comment is premised on the author's speculation about future tenants of the project and potentially different impacts. Please see Response to Comment O9-35 and Thematic Response 3 for information regarding a future tenant.
- O9-45 This comment is also premised on the author's speculation about future uses and potentially different impacts related to air quality. Please see Responses to Comments O9-35 and O9-44 and Thematic Response 3 for information regarding a future tenant.
- O9-46 The comment raises the same objection related to biological resources mitigation measures based on the speculative premise that uses will change in the future. Please see Responses to Comments O9-5, O9-35, O9-44, and I53-2 and Thematic Response 3 for information regarding a future tenant.
- O9-47 The commenter claims that compliance with MM-TRA-1 would not work because the project applicant is not the tenant. The comment is based on a false premise. MM-TRA-1 is an obligation that runs with the project and will apply to any future user as reflected in the MMRP and the conditions of approval. Please also refer to Response to Comment 05-17.
- O9-48 The comment speculates about the potential for different future uses and states that it is not known if the project would result in any significant and unavoidable impacts because the future tenant is unknown. Please see Responses to Comments O9-35 and O9-44 and Thematic Response 3 for information regarding a future tenant.
- O9-49 The comment states that the DEIR does not provide a reasonable range of alternatives because a life sciences or biotechnology alternative should have been assessed. The comment reflects a misunderstanding of what CEQA requires for and the purposes of an alternatives analysis. As reflected in the DEIR, the project analyzed a reasonable range of alternatives in compliance with CEQA. Please see Responses to Comment O5-20 and Thematic Response 8, which explain the purpose of an alternatives analysis, which is based on avoiding or substantially lessening any of the project's potentially significant impacts.

- O9-50 The commenter expresses support for the No Project/No Build Alternative and development of a life sciences or biotechnology use. As the DEIR demonstrates, the No Project/No Build Alternative would not met any of the project objectives. Please see Response to Comment 09-49. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **09-51** The comment states that the Multi-Building Alternative was one of two alternatives requested to be addressed by the public and states that a life sciences or biotechnology alternative should have been assessed. Please refer to Response to Comment 09-49.
- O9-52 The comment claims that the No Project/No Build Alternative is the only viable path forward for this project and requests a new alternative "that is economically viable." Please see Thematic Response 8 and Chapter 8 of the Final EIR, which includes a Multi-Building and Reduced Truck Bay Alternative, in response to feedback received from the public. Please see also Response to Comment 09-49.
- The comment offers an opinion about whether the project is consistent with the General Plan. The DEIR and project materials, including DEIR Section 4.10, show that the project is consistent with the applicable General Plan goals and policies. The commenter does not give specific details to support its arguments. The comment also does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment argues that the project is inconsistent with the General Plan because it requires a CUP. The argument misunderstands the purpose of a CUP, a discretionary process adopted consistent with the General Plan. Further, the DEIR evaluated the General Plan consistency of the project with the proposed number of truck terminals. Please see Response O9-53 regarding that General Plan consistency determination. Please refer to Thematic Response 5 for more information regarding uses allowed under the General Plan and Zoning Ordinance.
- O9-55 The comment opines that the project would not strengthen the City's economic base and would not generate high paying jobs. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-56 The comment reasserts the argument that the DEIR could not evaluate operation impacts without knowing the specific future tenant. Please see Responses to Comments O5-20 and O9-35 and Thematic Response 3 for information regarding a future tenant.
- O9-57 The comment claims that the analysis for operational air quality emissions is invalid because the future tenant is unknown. Please see Responses to Comments O5-20 and O9-35 and Thematic Response 3 for a discussion of CEQA's requirements regarding future tenant.
- **09-58** The comment is identical to comments 09-33 through 09-35. Refer to Responses to Comments 09-33 through 09-35.
- O9-59 The comment paraphrases language from Section 4.2.1, in Section 4.2, Air Quality, of the DEIR that addresses the potential increase in air pollutants associated with the project and also states opposition to the project. Section 4.2 addresses potential air quality impacts including those related to CO concentrations, criteria pollutants, and all other topics required by the CEQA thresholds of significance.

The comment does not raise any specific issues regarding the adequacy of the DEIR; therefore, no further response is required.

O9-60 The comment again paraphrases language from the air quality section of the DEIR to support a conclusory statement that the author opposes the project. See Response to Comment O9-59.

The comment expresses a concern regarding the use of some air quality data from a monitoring site in El Cajon. To establish the existing baseline for air quality within the region, the air district uses air quality monitoring stations located throughout the air basin. As explained on page 4.2-11 of the DEIR, the nearest SDAPCD-operated monitoring station is the Camp Pendleton monitoring station. This site was used to show the background ambient air quality for ozone (O₃) and nitrogen dioxide (NO₂), the two criteria pollutants measured at that location. At the time of the preparation of the air quality analysis for the EIR, the closest monitoring station to the project site that measures carbon monoxide (CO), (SO₂), and particulate matter (PM₁₀, and PM_{2.5}) with available data was the First Street – El Cajon monitoring station. However, more recent data are now available, including PM₁₀ and PM_{2.5} data from years 2023 and 2022 for Camp Pendelton. In addition, CO data are available from the Rancho Carmel monitor site for years 2021 through 2023. This data is provided in Table 4.2-3 in the DEIR, which is reproduced below, and demonstrate similar concentrations for these pollutants to the data provided within the EIR from First Street – El Cajon. Therefore, Table 4.2-3 in the DEIR provides a relevant and recent 3-year summary of local ambient air quality conditions applicable to the project area.

Table 4.2-3. Local Ambient Air Quality Data - Supplemental Data

| | | | | Ambient Air | Measured Concentration by Year | | | Exceedances by Year | | |
|--|-----------------------|---|-------------------|---------------------|-----------------------------------|----------|------|------------------------|---------|------------|
| Monitoring Station | Unit | Averaging Time | Agency/ Method | Quality Standard | 2021 | 202 2 | 2023 | 2021 | 2022 | 2023 |
| Fine Particul | ate Mat | ter (PM _{2.5}) | | | | | | | | |
| Camp Pendleton | μg/m 3 | Maximum 24-hour concentrati on | Federal | 35 | Not Available (NA) | 18 | 26.5 | (NA) | 0.0 (0) | 0.0 (0) |
| | μg/m 3 | Annual concentrati | State | 12 | (NA) | 8.9 | 8.6 | (NA) | 0.0 (0) | 0.0 (0) |
| | | on | Federal | 12.0 | (NA) | 8.9 | 8.6 | (NA) | 0.0 (0) | 0.0 (0) |
| Coarse Particulate Matter (PM ₁₀) ^a | | | | | | | | | | |
| Camp | μg/m | Maximum | State | 50 | (NA) | * | * | (NA) | _ | _ |
| Pendleton | 3 24-hour concentrati | concentrati | Federal | 150 | (NA) | 45 | 59 | (NA) | 0.0 (0) | 0.0 |
| | μg/m 3 | Annual concentrati on | State | 20 | (NA) | * | * | (NA) | _ | _ |

| | | | | Ambient Air | Measured Concentration by Year | | | Exceedances by Year | | |
|-----------------------|-------------------------|-----------------------------------|-------------------|---------------------|-----------------------------------|----------|------|------------------------|------|------|
| Monitoring Station | Unit | Averaging Time | Agency/ Method | Quality Standard | 2021 | 202 2 | 2023 | 2021 | 2022 | 2023 |
| Carbon Mone | Carbon Monoxide (CO) | | | | | | | | | |
| Rancho | ppm | ppm Maximum 1-hour concentrat ion | State | 20 | 3 | 2.2 | 1.6 | 0 | 0 | 0 |
| Carmel Drive | Drive concentrat | | Federal | 35 | 3 | 2.2 | 1.6 | 0 | 0 | 0 |
| | | Maximum | State | 9.0 | 1.8 | 1.2 | 1.1 | 0 | 0 | 0 |
| | | Federal | 9 | 1.8 | 1.2 | 1.1 | 0 | 0 | 0 | |

Notes: ppm = parts per million; — = not available; $\mu g/m^3$ = micrograms per cubic meter;

Data taken from CARB iADAM (CARB 2019c) and EPA AirData (EPA 2019).

Daily exceedances for particulate matter are estimated days because PM_{10} and $PM_{2.5}$ are not monitored daily. All other criteria pollutants did not exceed federal or state standards during the years shown. There is no federal standard for 1-hour O_3 , annual PM_{10} , or 24-hour SO_2 , nor is there a state 24-hour standard for $PM_{2.5}$.

Camp Pendleton monitoring station is located at 21441 West B Street, Camp Pendleton, California.

Rancho Carmel Drive - 11403 Rancho Carmel Drive, California.

- Measurements of PM₁₀ and PM_{2.5} are usually collected every 6 days and every 1 to 3 days, respectively. Number of days exceeding the standards is a mathematical estimate of the number of days concentrations would have been greater than the level of the standard had each day been monitored. The numbers in parentheses are the measured number of samples that exceeded the standard.
- * There was insufficient (or no) data available to determine the value.
- O9-62 The comment asserts an opinion that the project site's zoning and General Plan designations are inconsistent and, therefore, the project would have significant air quality impacts. See Thematic Response 5 for information regarding the land use designation and zoning applicable to the project. As the argument is based on a false premise about land use consistency, and DEIR Section 4.2 includes a CEQA compliant analysis and disclosure of the project's potentially significant air quality impacts, no further response is required.
- The comment questions the methodology for evaluating air emissions under federal and state standards as summarized in Tables 4.2-3 through 4.2-8 and argues that compliance of air emissions with applicable standards does not mean the project would not have an adverse effect on current residents and businesses. The SDAPCD recommends using the County of San Diego thresholds of significance when evaluating air quality impacts for a project (Appendix B). As such, the project analysis in the DEIR follows the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements (County of San Diego 2007b). These Guidelines for Determining Significance for Air Quality and information are used for the review of discretionary projects and environmental documents pursuant to CEOA.

As described in the SDAPCD recommended County guidance, for CEQA purposes, the screening-level thresholds (SLTs) are used to demonstrate that a project's total emissions (e.g., stationary and fugitive emissions, as well as emissions from mobile sources) would not result in a significant impact to air quality. The hourly and yearly SLTs are most appropriately used in situations when temporary emissions like emergency generators or other stationary sources are proposed as part of a project. The daily SLTs are most appropriately used for standard construction and operational emissions. When project

emissions have the potential to exceed the SLTs, additional air quality modeling may need to be prepared to evaluate the significance of ground level concentrations resulting from the project.

Therefore, following SDAPCD guidance, the Proposed-project-related air quality impacts would be considered significant if any of the applicable significance thresholds presented in Table 4.2-4, SDAPCD Air Quality Significance Thresholds, are exceeded. As shown in Tables 4.2-6 through 4.2-8, construction and operation of the project would not exceed SDAPCD thresholds.

Therefore, the analysis correctly compares project emissions to SLTs to evaluate significance under CEQA. Only if project emissions were to exceed the SLTs would an air quality impact analysis be warranted to demonstrate PPM level concentrations resulting from the project. No revisions are required, and no further response is necessary.

09-64 The comment states that comparing air quality impacts (specifically CO) associated with "two-lane residential roads" that intersect with State Route 76 in a suburban environment is not proper. However, the comment misunderstands the comparison being offered. As the DEIR discloses, CO hot spots are extremely rare and, even with extreme amounts of vehicles per day identified in the SCAQMD study (Appendix V of SCAQMD 2003), the emissions generated did not result in a CO hot spot. As discussed in the DEIR, at the time the 2003 Air Quality Management Plan was prepared, the intersection of Wilshire Boulevard and Veteran Avenue was the most congested intersection in Los Angeles County, with an average daily traffic volume of about 100,000 vehicles per day. Thus, the comparison was made to help demonstrate why the intersections with significantly less traffic within the project vicinity would not result in CO hot spots. The DEIR discloses that CO concentrations with project traffic at the analyzed intersections would not exceed the 1-hour or 8-hour CO California Ambient Air Quality Standards even if one erroneously assumed projected daily traffic would cause area traffic volumes to exceed 100,000 vehicles per day. The proposed project would not increase daily traffic volumes at any study intersection or road segments to anything close to 100,000 vehicles per day (DEIR Appendix I). Therefore, as demonstrated by the project specific analysis and the SCAQMD studies, the proposed project would not result in a CO hotspot.

Based on these considerations, the DEIR properly discloses that the project would not expose sensitive receptors to substantial CO concentrations, and impacts based on CO exposure would be less than significant.

- O9-65 The comment notes there are no special-status plants on the project site and two special-status wildlife species were identified that require mitigation during construction. The comment further recognizes that the DEIR includes accepted practices for monitoring. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-66 The comment purports to summarize the analysis in Section 4.3, Biological Resources, of construction impacts related to plants and wildlife. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-67 The comment states that there is no analysis on how the project will affect people exercising along the San Luis Rey River Trail and at the skate park. Refer to Thematic Response 4 for information regarding that issue.

O9-68 The comment states that the Fire Response Technical Memorandum, Appendix K of the DEIR, only evaluates meeting the needs of the proposed project, and does not assess medical or fire service access for the existing homes north of the river.

As explained in the introduction of the Fire Response Technical Memorandum, the fire response service analysis consisted of a preliminary summary of the existing Oceanside Fire Department's (OFD's) nearby resources, their modeled travel time responses into the project site, and their existing call volumes. The existing call volumes includes the existing homes in the OFD's service area. The goal was to take this information and then determine the potential impact of the project on the OFD under CEQA. Please refer to Thematic Response 1 and the Wildfire Evacuation Study prepared for the project and included as Appendix N to the Final EIR.

- O9-69 The comment states that the project's VMT analysis assumes 30% manufacturing and 70% warehouse uses, which ignores that the building can also be used as a distribution facility. The comment also states that VMT only considers passenger cars and does not reference trucks in its analysis. The approved LTS (DEIR Appendix I) correctly documented and analyzed the number of passenger cars and trucks for the proposed project. Under CEQA, the EIR analyzes the project as proposed. Please refer to Thematic Response 3 regarding future tenant use.
- O9-70 The comment makes a statement that the project's architectural renderings show the size of the building. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-71 The comment purports to summarize the general layout and contents of Section 4.4, Cultural Resources, of the DEIR, as well as the cultural resource discussion contained within Chapter 6, Cumulative Effects. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-72 The comment purports to summarize the general layout and contents of Appendix D-2, Cultural Resources Report, of the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment quotes from Appendix D-2 of the DEIR related to flooding, as well as the improvements related to the same. Section 4.9, Hydrology and Water Quality, of the DEIR discusses hydrology and drainage in detail. The commenter also asked if the site is a safe and suitable location for the project. As demonstrated in the hydrology and hydraulics report (DEIR Appendix E), with the levees in place, the water surface elevation at the project site during a 100-year flood would remain the same under both the existing and post-project conditions (22.39 feet, NAVD 88). In addition, a perimeter flood wall would also be incorporated around the boundary of the entire project site as a flood protection feature. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-74 The commenter states the project is not light industrial and provides a definition from USLegal.com. Please refer to Thematic Response 5 for more information on the City's definition of light industrial.
- O9-75 The comment purports to quote from a portion of the City of Oceanside's Zoning Ordinance's discussion of the M-1 Light Industrial Zone for properties in the Coastal Zone. The project site is not located in the

Coastal Zone and it is zoned IL – Limited Industrial. Therefore, the quoted language does not apply. The DEIR discusses the project's compliance with the City's Zoning Ordinance in Section 4.10, Land Use and Planning. Additionally, please refer to Thematic Response 5 for more information on the City's definition of light industrial.

- O9-76 The comment states that whoever approved the CUP was not aware of the Zoning Ordinance's standards. The CUP for this project has not been approved. CUPs are discretionary actions. The City decision makers will consider approving a CUP for the project in connection with consideration of the DEIR. Please see Responses to Comments O9-31 and O9-37 regarding the project's requested CUP and Thematic Response 6 for more information regarding the reduction of truck bays.
- O9-77 The comment purports to summarize four tables provided within Section 4.5, Energy, of the DEIR and asks where the discussion of construction-related CO₂ is located. Section 4.5 of the DEIR, which the commenter is referring to, addresses the project's potentially significant energy impacts. The impact analyses related to diesel and gasoline usage during construction are addressed in Section 4.2, Air Quality, and Section 4.7, Greenhouse Gases. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-78 The comment discusses emissions related to diesel usage during project construction. This topic is discussed within Section 4.2 and Section 4.7 of the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-79 The comment argues that the identity of a future tenant is required to analyze the project's potential impacts related to diesel and gasoline usage. That opinion is without merit. The amount of gasoline and diesel that would be used upon operation were calculated by the air quality and GHG experts who prepared the DEIR based on the project description included in the DEIR; the analysis included factors such as size of the building, estimated number of vehicle trips, and other factors specific to the project (and evaluated consistently in the DEIR). Please refer to Response to Comment O9-35 and Thematic Response 3 for information regarding a future tenant.
- O9-80 The comment again raises an argument about the identity of future tenants as it relates to the energy demand analysis. The comment also notes there have been power blackouts during the summer.

The comment does not address the applicable CEQA threshold of significance related to energy usage. That standard requires an evaluation of whether a project would "Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation." The project would meet the state's Title 24 and CALGreen energy efficiency building standards in place at that time building permits are requested. The project must also comply with the City Zoning Code's requirements for renewable energy usage. The record reflects that the project would not cause wasteful, inefficient, or unnecessary consumption, and the comment does not establish that the consumption would be otherwise. Please also refer to Response to Comment 09-35 and Thematic Response 3 for information regarding a future tenant.

O9-81 The comment cites the cumulative energy impact analysis and then offers arguments without reference to the applicable significance thresholds related to energy. The comment erroneously focuses on whether SDG&E would have sufficient available capacity to serve the project.

DEIR Section 6.4.5 addresses the project's potential cumulative energy-related impacts in light of the applicable thresholds of significance. That analysis, coupled with the analysis in Section 4.5, Energy, of the DEIR, demonstrates that the project would have less than significant impacts. The comment does not address specific issues with respect to the adequacy of the DEIR as it relates to the proper CEQA standards.

- O9-82 The comment asks why the project is "only fitting 50% of the building with solar panels." Further, the comment misstates the solar energy component of the project. The project will comply with the Oceanside Zoning Code requirement that the project meet "at least 50 percent of the forecasted energy demand" with renewable energy facilities. The DEIR did not state that the project is installing 50% of the building with solar panels.
- O9-83 The comment references Section 4.6, Geology and Soils, of the DEIR, and acknowledges that the project would mitigate for any potential for liquefaction to occur on the project site. The comment asks why the project does not provide mitigation for alluvial soils susceptible to hydro-consolidation.

As discussed in Section 4.6, there is a potential for liquefaction to occur on the site. The project conditions of approval will require implementation of all recommendations outlined in the geotechnical investigation report (Appendix L of the DEIR), which include post-treatment testing to verify the soils have been densified to mitigate the potential for liquefaction. Further, adherence to the International Building Code and California Building Code specific performance-based regulatory standards enures potential impacts related to liquefaction, spreading, subsidence, collapse, and unstable soils would be less than significant. Furthermore, as outlined in Section 5.7 of the geotechnical investigation prepared for the project site (Appendix L to the EIR), fill and alluvial soils would be susceptible to hydroconsolidation; however, the proposed ground improvement would effectively address this. Implementation of the geotechnical recommendations outlined in Section 7 of Appendix L would ensure all potential impacts related to soils on site would be less than significant.

- O9-84 The comment serves as an introduction to the comments that follow and states that the commenter reviewed Section 4.7, Greenhouse Gases, of the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-85 The comment offers a conclusion that the project would contribute significantly to GHG emissions. As discussed in Section 4.7 of the DEIR, the project would result in a less than significant impact to greenhouse gas emissions. For example, see DEIR Tables 4.7-5 and 4.7-6 on page 4.7-24. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment mentions a list of GHGs that have been identified as a threat to public health and cites Massachusetts v. EPA (April 2007). Section 4.7 of the DEIR evaluates the GHG compounds listed including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), and perfluorocarbons (PFC) in the analysis and also discusses the U.S. Supreme Court ruling in Massachusetts v. EPA, which directed the EPA administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision (DEIR, p. 4.7-8). The court ruled GHGs from new motor vehicles are regulated as air pollutants

under the Clean Air Act. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- O9-87 The comment mentions black carbon and offers an opinion that the project's contribution of black carbon poses a health risk to the community. Black carbon is discussed in Section 4.7 of the DEIR, which clarifies that black carbon "is produced from the incomplete combustion of fossil fuels and biomass burning, particularly from older diesel engines and forest fires" (DEIR, p. 4.7-3). Diesel emissions due to truck trips and emissions due to other project-related vehicle usage have been evaluated in Section 4.2, Air Quality, in relation to the CEQA thresholds of significance using the methodologies recommended by the relevant air quality experts. The air quality analysis discloses that the project would not result in a significant adverse impact. Additionally, as discussed in Section 4.2, a construction and operational health risk assessment was performed for the project, and impacts due to toxic air contaminants such a diesel particulate matter and other construction and operational emissions were determined to be less than significant.
- O9-88 The comment states that the EIR ignores the "human factor" and that the effects of the project on the airport community were not evaluated. The DEIR evaluates the indirect and direct impacts of the project both on the environment and on nearby sensitive receptors consistent with the mandates of CEQA. The comment does not specify what effects specifically that the author believes were not evaluated. Please refer to Thematic Response 7 for more information on public health impacts. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment states that the project violates General Plan Circulation Element Policy 4.1, which it characterizes as emphasizing a reduction in vehicle miles traveled (VMT) and number of daily and peak hour vehicle trips. The comment offers no support for the argument presented. As discussed in Section 4.10, Land Use and Planning, of the DEIR, specifically Table 4.10-1, the project would be in conformance with this policy. A VMT assessment was also prepared for the project (DEIR Appendix J), and that expert analysis demonstrates the project would exceed the City's VMT threshold by 2.9% without mitigation. Compliance with mitigation imposed by the MMRP would reduce the project's VMT by 6.2%, well below the required 2.9%, such that the project would have less than significant VMT impacts with mitigation.
- O9-90 The comment states that the GHG impact analysis focuses on the City's Climate Action Plan (CAP) Consistency Checklist and incorrectly states that the analysis fails to address the impacts of GHGs on the health of the nearby community north of the project site. Please refer to Response to Comment O3-9 and Thematic Response 4.

The comment mischaracterizes the DEIR's analysis of potential GHG impacts, which addresses both of the CEQA GHG significance thresholds. That analysis demonstrates that the project would have less than significant impacts. For example, as discussed in Section 4.7 of the DEIR, the CAP Consistency Checklist is used to determine project significance in accordance with CEQA Guidelines Section 15183.5 and the City's formally adopted CAP; therefore, the CAP Consistency Checklist was used to evaluate the proposed project's significance with respect to GHG emissions as contemplated under one of CEQA's significance criteria. The City has set a significance threshold that aligns with the City's emissions reduction targets as outlined in the CAP (3.5 metric tons [MT] CO₂e per service population). Applicants can choose to conduct project specific GHG emissions analysis to demonstrate compliance with the City's significance threshold or choose to conform to the requirements provided in the CAP

Checklist. Projects that generate greater than 900 MT of GHGs and greater than 3.5 MT CO₂e per service population would be required to show CAP Checklist consistency. The project demonstrates consistency with the CAP Checklist in Table 4.7-7 in Section 4.7 of the EIR. The project, with the mitigation imposed, would not generate GHG emissions, either directly or indirectly, that would have a significant impact on the environment.

Additionally, public health impacts to the local community north of the project site have been evaluated within the DEIR in the evaluation of air quality impacts for construction and operation compared to SDAPCD Screening Level Thresholds (SLTs). This evaluation demonstrates the project would not exceed applicable air quality standards adopted for purposes of protecting public health. In addition, the project analysis included health risk assessments that demonstrate health effects from air toxins would be less than significant at all nearby sensitive receptors, including the community north of the project site.

- O9-91 The comment discusses the prevailing air circulation patterns in the project area, and states that GHGs emitted by the project could directly affect residents living to the north. Please see Responses to Comments 09-12 and I8-10.
- O9-92 The comment states that human behavior has been overlooked in the data-driven evaluation of the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-93 The comment speculates that trucks might drive through the residential areas if there is traffic on Benet Road. Please see Response to Comment O9-36. There is no legitimate, non-speculative rationale for trucks associated with operation of the project to be driving north of the San Luis Rey River on Benet Road.
- O9-94 The comment speculates that trucks will violate regulatory requirements related to idling and potentially cause undisclosed impacts. State law requires truck idling be limited to 5 minutes in accordance with CARB's adopted Airborne Toxic Control Measure. This includes while the trucks are waiting to pull up to the loading dock and at the loading dock. It would be unreasonable for the DEIR to assume, as the author argues, that trucks will violate the law. Please see Response to Comment O9-93. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-95 The comment serves as a conclusion to this portion of the comment letter and offers policy arguments regarding the zoning of the project site. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-96 The comment copies some of the general content of Sections 4.7.1 and 4.7.2 of the DEIR and argues Table 4.7-2 uses data from 2000–2019, which does not correlate with data parameters referenced in other tables. The data provided in the tables included in Section 4.7 of the DEIR rely on the most current, reputable information available at the time of the DEIR's preparation, consistent with CEQA.

Additionally, the data in Table 4.7-2 present a summary of California's GHG emission sources (CARB 2022). No revisions are required, and no further response is necessary.

O9-97 The comment refers to Table 4.7-3 from the DEIR and indicates the data in the table are from 2012. In response, the data provided in the tables included in Section 4.7 of the DEIR provide a conservative inventory; the most recently updated data is from the year 2016. Table 4.7-3 is reproduced below for comparison. The 2016 data show lower total emissions. For further explanation, please see Response to Comment 09-96.

Table 4.7-3. San Diego County GHG Emissions by Sectors - Update

| Source Category | Annual GHG Emissions (MMT CO₂e) | Percent of Total | | |
|------------------------------|------------------------------------|------------------|--|--|
| On-road transportation | 10.4 | 40.3 | | |
| Electricity generation | 5.3 | 20.6 | | |
| Natural gas end uses | 3.1 | 12.0 | | |
| Heavy Duty Trucks & Vehicles | 1.8 | 7.0 | | |
| Solid Waste | 0.59 | 2.3 | | |
| Other Fuels | 1.1 | 4.3 | | |
| Industrial | 2.1 | 8.1 | | |
| Aviation | 0.21 | 0.8 | | |
| Off-Road | 0.62 | 2.4 | | |
| Water | 0.24 | 0.9 | | |
| Wastewater | 0.07 | 0.3 | | |
| Rail | 0.11 | 0.4 | | |
| Agriculture | 0.05 | 0.2 | | |
| Marine Vessels | 0.05 | 0.2 | | |
| Soil Management | 0.05 | 0.2 | | |
| Total | 26 | 100 | | |

Source: San Diego Regional Priority Climate Action Plan, March 1, 2024 https://www.sandag.org/-/media/SANDAG/Documents/PDF/projects-and-programs/environment/climate/priority-climate-action-plan/pcap-san-diego-regional-pcap-2024.pdf **Notes:** GHG = greenhouse gas; MMT CO₂e = million metric tons of carbon dioxide equivalent per year

- O9-98 The comment provides Table 4.7-4 from the DEIR and indicates the data in the table are from 2013. In response, the data provided in the tables included in Section 4.7 of the DEIR rely on the most current information available at the time of the DEIR's preparation consistent with CEQA. For further explanation, please see Response to Comment 09-96.
- O9-99 The commenter observes that a large percentage of overall GHG emissions are attributable to the transportation sector. The commenter is correct. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-100 The comment notes Section 4.7.3, Thresholds of Significance, provides the thresholds or guidelines use to evaluate GHG impacts. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **09-101** The comment reprints Section 4.7.3. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- O9-102 The comment states that Section 4.7.3 does not provide specific guidelines, methodologies, or quantitative thresholds that the City must use in their determination of potential GHG impacts. The discussion on the top of page 4.7-23 under the "City of Oceanside" header describes the City's formally adopted CAP and the methodology used for evaluating GHG impacts. Additional information can be found under Section 4.7.2, Regulatory Setting, of the DEIR, under the heading "Local." Therefore, the DEIR complies with CEQA.
- **09-103** The comment copies language from the DEIR regarding the City's CAP. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-104 The comment offers a characterization of a portion of the CAP's methodology. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-105 The commenter copied some of the language from the DEIR (see p. 4.7-23) regarding the CAP. The comment argues that the DEIR's analysis is not consistent with the CAP and that the applicant opted to fill out the City's CAP Checklist because GHGs would be significant. For a detailed response, please refer to Response to Comment 09-90.
- O9-106 The comment refers to the annual construction and operational GHG emissions provided in DEIR Tables 4.7-5 and 4.7-6 and states the actual GHG emissions the project would produce is 7,172.55 metric tons of CO₂e annually. Contrary to the CAP, the comment suggests that it is improper for the project to utilize the CAP Checklist as part of the evaluation and disclosure of the project's GHG impacts.

The analysis of GHG emissions due to project construction and operation were quantified, and as explained on page 4.7-24 of the DEIR, "the total cumulative or combined construction emissions (from 2023 and 2024) that are generated prior to operations would ultimately contribute to yearly emission levels of the project as a whole. Because of this, it is acceptable to average the total construction emission over a 30-year period, which represents an average lifecycle of a project." See Response to Comment 09-90 for a discussion of the roles of the CAP, CAP Checklist, and the City's efficiency metric in the evaluation of CEQA impacts and why the DEIR properly evaluated and disclosed the project impacts.

- O9-107 The comment reprints Table 4.7-7 from the DEIR and offers opinions based on a misunderstanding of the CAP's 900 MT CO₂e threshold and conclusory statements regarding the DEIR's CAP consistency analysis. The CAP explains that an exceedance of the 900 MT threshold is not a trigger for a significance conclusion. Rather, that threshold decides whether a project would comply with the CAP and/or prepare a project-specific evaluation of whether the project would exceed the 3.5 MT CO₂e per service population threshold. The DEIR evaluated the project in accordance with the CAP standards and demonstrates that the project, with compliance with the CAP Checklist, would have a less than significant impact.
- **09-108** The comment reprints some of the impact analysis from Section 4.7 of the DEIR and restates the author's misunderstanding on the function of the 900 MT CO₂e metric. Please see Response to Comments 09-106 and 09-107.
- O9-109 The comment reprints information from DEIR Chapter 6, Cumulative Effects, that summarizes the cumulative impact analysis related to GHG, restates the author's misunderstanding on the function of the 900 MT CO₂e metric, and questions whether the City's GHG methodology addresses truck trips. As the

DEIR discloses, mobile sources such as trucks were analyzed, and mobile sources represent a majority of the project's GHG emissions. Taking all the GHG emissions into consideration, the project would result in less than significant GHG impacts. Please see Response to Comments 09-106 and 09-107.

09-110 The commenter references the existing hazardous materials that have been identified on the site and disclosed in the DEIR and asks how the author can be assured that the state will require compliance with applicable law related to the remediation plan and groundwater.

As discussed in DEIR Section 4.8, Hazards and Hazardous Materials, a Phase 1 Environmental Site Assessment (DEIR Appendix M) was prepared for the project site that identified groundwater that had been impacted by grease, oil, and chlorinated organic solvents. Additional investigation into the release was conducted by installing a groundwater monitoring well. Groundwater samples were collected from three shallow temporary wells, and it was determined that the contamination level was fairly well confined and had not migrated to greater depths. Furthermore, no contaminants were detected in the groundwater at concentrations that would typically require remediation by a regulatory agency. Where reported above screening levels, the exceedance was minor and limited in extent.

The project site is currently unoccupied, and the airport to the south that currently requires the treatment, storage, disposal, or generation of hazardous substances or petroleum products has been determined to have low potential to impact the project site because of the downgradient location of this facility with respect to the reported groundwater flow direction. Please see Response to Comment 09-113 for a discussion of the regulatory requirements that ensure compliance with any remediation obligations.

- **09-111** The commenter expresses concern regarding access in areas south of Benet Bridge in the event of an emergency. Please refer to Thematic Response 1 for more information regarding the project's emergency response and evacuation plan.
- O9-112 The comment includes an opinion that the project would be better than the former use because new construction and compliance with stringent state and local building codes would address hazards. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **09-113** The commenter states the site investigation was completed in August 2021, argues that there may be contaminants within the soil, and recommends testing be updated.

As discussed in DEIR Section 4.8, Hazards and Hazardous Materials, a Phase I Environmental Site Assessment (DEIR Appendix M) was prepared for the project and revealed evidence of historical RECs or controlled RECs in connection with the previous industrial uses on the project site. Under previous operations, the site had been used for industrial manufacturing, metal plating, and hazardous waste treatment, which included the storage, use, treatment, and disposal of large quantities of various hazardous substances, petroleum products, and generations of hazardous waste. The site is known to have been impacted by petroleum hydrocarbons, volatile organic compounds, metals, and per- and polyfluoroalkyl substances. Based on review and research of reports describing the previous environmental assessments and remediation initiated at the project site, a number of areas were found to contain constituents of concern at concentrations above industrial or commercial screening levels from the project site's historical industrial use; these are considered RECs. In addition, the numerous reports for the site demonstrate areas previously sampled and where further investigation or research

is recommended. Soil remediation was initiated for the site through environmental site assessments including the supplemental site investigation workplan, demolition soil monitoring plan, and site-specific health and safety plan prepared for the site. All site remediation would be completed prior to the start of project construction. Please see Responses to Comments A2-7 and A2-8 regarding the DTSC Response Plan process and information for additional information responsive to this comment.

Remediation of the site is required by state law prior to any site grading or development and compliance with all required remediation will be verified by the state DTSC and the County.

- O9-114 The commenter is asking about the status of site remediation efforts and who verifies remediation has been completed. Soil remediation was initiated for the site through environmental site assessments including the supplemental site investigation workplan, demolition soil monitoring plan, and site-specific health and safety plan prepared for the site. All site remediation would be completed prior to the start of project construction. After successful completion of the specified remedial activities, the applicant would request that DTSC issue written confirmation that the RAOs have been met and that development can proceed, as well as, ultimately, a written determination pursuant to CLRRA that the immunities provided by that act applied to the applicant and any person who enters into an agreement with the applicant for future redevelopment of the property. After completion of remedial action and approval of the completion report by DTSC, the site would be deemed suitably remediated and it may be released for industrial/commercial usage. Please also refer to Response to Comments A2-7 through A2-9, as well as Final EIR Section 4.8.
- **09-115** The commenter questions the reference to chemical toilets in the DEIR and if they might be used as part of the project.

The DEIR notes on page 4.8-10 that "construction activities for the project would entail transport, use, or disposal of potentially hazardous materials including, but not limited to, diesel fuel, gasoline, equipment fluids, concrete, cleaning solutions and solvents, lubricant oils, adhesives, human waste, and chemical toilets." If any portable chemical toilets were used during demolition or construction activities, which is typical, they would be removed in accordance with applicable laws as part of the construction site clearing activities. The project operations would provide restroom facilities as required by California law and would not include the use of chemical toilets.

O9-116 The comment argues that no more than 100 pounds of solid and liquid hazardous materials should be allowed on the project site and raises a concern regarding an accidental spill and proximity to the Teri Learning Academy and a future tenant. The existing federal, state, and local laws and requirements regarding transport, use, storage, and disposal of hazardous materials are comprehensive and stringent and were specifically adopted to protect public health and safety. In response, as outlined in Section 4.8 of the DEIR, the Teri Learning Academy is located approximately 0.21 miles from the project site. Appendix M of the DEIR has identified the project site as containing recognized environmental conditions from the historical industrial uses on the project site. Project construction would occur after soil remediation is completed, which would be done to improve the conditions of the site. Additionally, the existing school within 0.25 miles of the project site is located on the other side of State Route 76 from the project, beyond the Oceanside Municipal Airport and other industrial uses. These intervening features provide additional screening and separation from the project site. Additionally, as disclosed in DEIR Section 4.8 and elsewhere in these Responses to Comments, project construction and operation

would be required to comply with local, state, and federal requirements for the transport, use, storage, and disposal of hazardous materials.

Furthermore, any future user of the project site would be required to comply with applicable regulations related to hazardous materials. In the event a future user was to store quantities of specific acutely hazardous materials above the thresholds set forth by the California code, the tenant would be required to prepare a Risk Management Plan and California Accidental Release Plan, which provide information on the potential impact zone of a worst-case release and require plans and programs designed to minimize the probability of a release and mitigate potential impacts. During construction, the project is also required to prepare a Stormwater Pollution Prevention Program that requires plans be prepared in the event of a spill or other accidental release of hazardous materials.

- O9-117 The comment requests no chemical toilets be provided. During project construction portable toilets would be provided for construction workers through project completion. Please see Response to Comment 09-115.
- O9-118 The comment requests the City not approve the requested Conditional Use Permit until a tenant is identified. The requested Conditional Use Permit is specific to the project site and not a future tenant. Please see Response to Comment O9-37.
- 09-119 The comment is requesting eye wash stations, decontamination showers, and safety storage cabinets. In response, as outlined in Section 4.8 of the EIR, applicable federal and state standards related to the handling, storage, and transport of any hazardous materials would be implemented during construction of the proposed project. These regulations include the Federal Chemical Accident Prevention Provisions (Part 68 of the Code of Federal Regulations), California Highway Patrol and California Department of Transportation container and licensing requirements for transportation of hazardous waste on public roads, the International Fire Code, the Resource Conservation and Recovery Act of 1976 as amended by the Hazardous and Solid Waste Amendments of 1984, California's Hazardous Waste Control Law, California Fire Code, California Health and Safety Code Hazardous Materials Release Response Plans and Inventory, California Integrated Waste Management Act, regulations developed by California Occupations Safety and Health Administration, and the state Hazardous Waste Control Act. Similarly, during project operations, any handling, transport, use, or disposal must also comply with all applicable federal, state, and local agencies and regulations. Please see Response to Comment 09-116. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-120 The comment identifies some types of hazardous waste and again argues that there is a problem with approving a Conditional Use Permit. It is not clear from the comment what the concern is, but it appears that the commenter is speculating that a future tenant would transport, use, store, and improperly dispose of hazardous materials. Please see Responses to Comments 09-116 and 09-118.
- O9-121 This comment restates the significance threshold regarding projects physically dividing an established community and argues that the project would create a physical barrier in the form of increased traffic. The comment is based on a false premise about the referenced land use threshold of significance. Under CEQA, the addition of vehicle trips, including truck trips, associated with an individual development project on an infill site that was previously developed for industrial uses does not qualify as a change that would physically divide an established community. Land use-related impacts

associated with traffic are analyzed in DEIR Section 4.10 in the General Plan Consistency evaluation. Transportation-related impacts are evaluated in DEIR Section 4.14, Traffic and Circulation. Emergency evacuation has also been addressed in DEIR Section 4.8, Hazards and Hazardous Materials. Please see Response to Comment 09-36, which addresses road access for trucks. Please see also Thematic Response 1, which discusses evacuation, and Thematic Response 2, which discusses how transportation impacts were evaluated.

- **09-122** The comment makes an observation that the project is larger than the prior industrial facility. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **09-123** This comment restates the argument made previously. Please see Response to Comment 09-121.
- O9-124 This comment purports to summarize the underlying land use designation and zoning of the project site and allowed uses under the zoning. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please see Thematic Response 5, which provides more information on uses allowed under the existing zoning.
- O9-125 This comment erroneously states the project is not consistent with the General Plan land use designation and concludes that the project would have a significant impact on the nearby neighborhoods. Please see Thematic Response 5, which provides more information the intent of the light industrial land use designation. The DEIR evaluates the project's direct and indirect impacts in Chapter 4, including any potential impacts to nearby residential areas.
- O9-126 The comment notes Section 4.10, Land Use and Planning, does not address air emissions associated with the increase in truck trips, but notes air pollution is addressed in another section. The comment states that pollution would be more than what the area currently experiences. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please see Responses to Comments 09-63 and I6-12.
- O9-127 The commenter offers an opinion that the project does not comply with the "Community Values Objective," without offering a substantive justification for that conclusion

The City's General Plan Land Use Element includes a goal "To ensure the enhancement of long-term community and neighborhood values through effective land use planning." As described on page 4.10-12 of the DEIR, the project would be consistent with the City's land use designation and zoning ordinance and would redevelop the site with an industrial use adjacent to Oceanside Municipal Airport and parcels to the east also zoned for industrial use. The commenter may disagree with this interpretation; however, a project's consistency with the adopted general plan is for the decision makers to decide, and substantial evidence supports the DEIR's analysis.

O9-128 The comment argues that the project does not comply with the "Balanced Land Use Objective," without substantiation, and that the project has not considered how the project will affect the sense of community and the benefit to the community. Table 4.10-1 in Section 4.10, Land Use and Planning, evaluates the project's consistency with applicable general plan objectives and policies including specific discussion of the policy mentioned in the comment. The commenter may disagree with this

interpretation; however, a project's consistency with the adopted general plan is for the decision makers to decide, and substantial evidence supports the DEIR's analysis.

- The comment references City General Plan Policy 1.12C outlined in Section 4.10 of the DEIR. The commenter states that the project would increase trucks/trailers, which would increase the emissions in the surrounding area causing direct, negative impact to the adjacent neighborhood. In response, General Plan Policy 1.12C states, "The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions nor to exposure of toxic, radioactive, or other dangerous materials." The DEIR determined that project impacts related to noise, light, odors, emissions, and hazards would be less than significant without mitigation, as analyzed in Sections 4.1, 4.2, 4.7, 4.8, and 4.11. The project would be constructed and operated in compliance with all local, state, and federal regulations relating to these topics. Therefore, the project would be in conformance with Policy 1.12C.
- O9-130 The comment states the project has not been designed consistent with the City's Neighborhood Commercial policies. As disclosed in DEIR Section 4.10, Land Use and Planning, the referenced City policies aimed at providing and enhancing neighborhood commercial uses are not applicable to the project as it is an industrial development on a property zoned and designated for industrial use. As explained on DEIR page 4.10-26, the project site does not have a commercial land use designation.
- O9-131 The comment states the project is not consistent with a specific City Community Enhancement Policy related to commercial development. DEIR Section 4.10, Land Use and Planning, evaluates that policy and explains that the project, although not a commercial use, proposes an industrial use consistent with the zoning and General Plan that does not involve "the proliferation and/or over-construction of commercial uses." The referenced City policy addressing commercial uses is not applicable.
- O9-132 The comment offers an opinion about whether the project is consistent with Circulation Element Goal 1 without substantiation (multimodal transportation system). Section 4.10, Land Use and Planning, includes a lengthy discussion of all the ways that the project is consistent with that goal related to multimodal transportation including, without limitation, the placement of a warehouse and distribution facility adjacent to the municipal airport, a regional freeway, and an existing network of roads, as well as in close proximity to the San Luis Rey River trail and a bus stop. Please also see Responses to Comments O9-36 and O9-127.
- O9-133 The comment states the project will disrupt the nearby neighborhood as it relates to the analysis of General Plan Circulation Element Goal 3 (alternative transportation). As explained on DEIR page 4.10-31, the project site is located within 0.5 miles of the Mission Avenue and Foussat Road bus stop on Mission Avenue and immediately adjacent to Oceanside Airport. See also Responses to Comments O9-127 and O9-132. The DEIR provides substantial evidence supporting the determination that the project is consistent with the referenced General Plan goal.
- O9-134 The comment is referencing General Plan Circulation Element Policy 2.4, as discussed in DEIR Section 4.10, Land Use and Planning, and opines that the project will disrupt the nearby neighborhood. The author's claims do not address the policy mentioned and are not supported by evidence. This policy is directed towards the City implementing a circulation system that promotes efficient intra- and inter-city travel. The policy is not directed towards individual development projects, as explained in the DEIR.

- O9-135 The comment is referencing General Plan Circulation Element Goal 1, Objective i, as discussed in DEIR Section 4.10, Land Use and Planning, and argues the project's traffic will impact access to the nearby neighborhood. The comment does not address the actual policy objective referenced or the project specific information disclosed in the LTS (DEIR Appendix I) and the DEIR's land use analysis regarding the levels of service specified in the policy. A detailed discussion of the project's consistency with the policy is provided on DEIR page 4.10-33.
- O9-136 The comment is referencing General Plan Circulation Element Policies 3.10, 3.11, and 3.12 and contends that a traffic light should be installed for access onto Benet Road if it would not create more traffic congestion. The opinion offered is not supported by the evidence or technical traffic analysis. In contrast, the DEIR's technical analysis demonstrates that the project conforms to those policies and that the suggested traffic signal is not warranted.
- O9-137 The comment is referencing General Plan Circulation Element Policy 3.20 and offers an opinion that project traffic would impact the nearby neighborhood and could create a safety hazard. Please see the discussion on DEIR page 4.14-9 that explains the project would not create a safety hazard. Please see also Response to Comment O9-135 regarding levels of service.
- O9-138 The comment is referencing General Plan Circulation Element Goal 1 (transportation demand management), as discussed on DEIR page 4.10-38, and argues without technical support that an employee rideshare program is not effective mitigation for the proposed use. With respect to MM-TRA-1, please see Response to Comment 05-17 for a discussion of that program and why it is one component of the project's VMT reduction efforts. As discussed in the DEIR, the project would also incorporate facilities on site that encourage multimodal transportation to reduce vehicle trips. CEQA does not require an analysis of impacts to quality of life; however, the EIR does address the direct and indirect impacts the project could have on nearby areas.
- O9-139 The comment is referencing General Plan Circulation Element Policy 4.1 and is reiterating the author's opinion regarding MM-TRA-1. Please see Response to Comment 09-138.
- The comment is referencing General Plan Community Facilities Element Policy 0.3 listed on DEIR page 4.10-45 and states the project will impact the public skate park. As explained on DEIR page 4.10-45, this policy addresses the management of growth so as to not exceed the capacity of public facilities. The comment does not address that policy. Further, the comment does not address the substantial evidence in the DEIR, including, without limitation, Sections 4.10 and 4.13 demonstrating that the project would have less than significant impacts on public services. As to the comment about the skate park, please see Thematic Response 4.
- O9-141 The comment is referencing General Plan Community Facilities Element Policy 0.6 listed on DEIR page 4.10-45 and disagrees with the analysis and conclusions reached in the DEIR regarding that policy. The Community Facilities Element addresses standards and the sufficiency of public facilities and services such as water, fire protection and roadways. The opinions offered in the comment are conclusory and do not address those community facility issues, whereas the DEIR relies on the expert analysis and substantial evidence presented in the project record. Please also see Responses to Comments 09-138 and 09-139.

- O9-142 The comment is referencing General Plan Community Facilities Element Policy 12.5 listed on DEIR page 4.10-51 and, without substantiation, argues the City Council should require the project to make more than an 8.5% fair share contribution to improvements at the SR-76/Benet Road intersection. The comment does not raise any specific issues concerning the adequacy of the DEIR, nor does it address the technical analysis prepared by the traffic experts at the City and the CEQA consultants that is presented in the DEIR; therefore, no further response is required.
- O9-143 The comment is referencing General Plan Noise Element Policy 1 that addresses noise volumes listed on DEIR page 4.10-51 and argues that the increase in truck trips would add to the noise in the area. The DEIR did not "assume" noise levels as the comment asserts. Relying on a project-specific Noise Report (DEIR Appendix H), the DEIR evaluated construction and operation noise, including noise from trucks on area roadways, loading docks, and people in the parking lot, in Section 4.11, Noise. As shown in Table 4.11-7 on page 4.11-12 of the DEIR, the project's increase in noise would not exceed the applicable noise thresholds of significance under CEQA.
- 09-144 The comment is referencing General Plan Noise Element Recommendation 4 on DEIR page 4.10-52 and acknowledges that trucks from the project would not access residential areas. Without support, the comment argues trucks will negatively impact traffic volumes, noise, and air pollution during project construction. The secondary impacts of the project associated with construction activities and the potential to increase noise levels, emit air pollutants, and contribute to more traffic on local roadways were addressed in the applicable section of the DEIR. The analysis of construction noise is provided in DEIR Section 4.11, Noise, starting on page 4.11-9. As shown in DEIR Table 4.11-6, the highest estimated construction noise levels are predicted to stay below 60 dBA Leq over an 8-hour period at the nearest existing residences on Tishmal Court (as close as 0.15 miles) when grading activities take place near the northern project boundaries. Short-term construction noise would not result in generation of a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of the FTA guidance of 80 dBA Leq over an 8-hour period; impacts would be less than significant. During the building construction phase, up to 812 daily worker and vendor truck trips are anticipated. The project analysis assumed all traffic would occur on Benet Road, but not north of the project site, as there is not a rational basis for assuming construction travel would head north; thus, these trips would occur no closer than 0.15 miles to the off-site residential receptors to the north. This number of trips would cause less than a 20% increase on existing daily Benet Road traffic volumes; thus, the anticipated traffic noise level rise at the residential receptors to the north of the project would be less than a decibel. This would be an imperceptible gain and less than significant impact. Please see Response to Comment 09-10, which addresses air pollutants associated with project construction, and Thematic Response 2, which addresses how traffic was evaluated in the DEIR.
- O9-145 The comment is referencing the General Plan Noise Element Recommendation 5 on DEIR page 4.10-52 and opines that any increase in noise, regardless of whether it would exceed applicable standards, would have a negative effect on nearby neighborhoods. The comment expresses a view that does not find support in CEQA or City standards for evaluating potential noise impacts. Please see Responses to Comments 09-143 and 09-144, which address noise associated with construction and operation of the project, as well as the detailed analysis of noise in DEIR Section 4.11 demonstrating that the project would not cause significant unavoidable noise impacts.
- O9-146 The comment is referencing the City's hazardous waste reduction goal listed on DEIR page 4.10-53 and states any increase in air pollution is still an increase. The comment does not address hazardous

waste and hazardous substances, which is the subject of the identified goal. The author's opinions about air pollutant emissions are not supported by CEQA or AQMD's standards. As explained on pages 4.10-53 and 4.10-54 of the DEIR, as well as in DEIR Sections 4.2, Air Quality, and 4.8, Hazards and Hazardous Substances, substantial evidence supports the DEIR's analysis and conclusions that the project would have less than significant impacts and otherwise comply with the applicable elements of the policy referenced in the comment.

- O9-147 The comment is referencing General Plan Energy and Climate Action Element Goal ECAE-1a on DEIR page 4.10-56 and states the DEIR fails to address fossil fuels used by trucks and other vehicles. The commenter is incorrect. Mobile source fuel consumption during project construction and operations is addressed in Section 4.5 and the analysis demonstrates why project impacts are less than significant. Please see Sections 4.2, Air Quality, and 4.7, Greenhouse Gases, for a thorough analysis of project impacts due to use of fossil fuels.
- O9-148 The commenter asks about a reference in the noise analysis to data from 2004, 2006, and 2013, but does not include a reference to anything specific. The author is mistaken that the model relies on old data. The underlying noise levels at the project site were measured in 2022, and project-specific modeling was performed when the project's noise study was prepared. A model prepared by the Federal Highway Administration (FHWA), that was first released in 2004, is used in the analysis. The age of the model is irrelevant as it is only a tool used to calculate changes in noise levels. The Federal Transit Administration (FTA) study is relied upon for a construction noise threshold, a standard that was released in 2006. To evaluate construction vibration, the DEIR's analysis relies on the threshold provided in the Caltrans Transportation and Construction Vibration Guidance Manual (2013). The noise experts rely on FHWA, FTA, Caltrans, and other referenced methodologies, as they provide a consistent and well established basis for the determination of whether projects will result in significant impacts. Therefore, the DEIR's noise analysis complies with CEQA's information disclosure and informed decision making mandates.
- **09-149** The comment references notes to research noise data from DEIR Appendix H, Noise Technical Report. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment references DEIR Table 4.11-2 and notes that the noise measurements were taken over 15-minute intervals during the daytime. Table 4.11-2 on page 4.11-4 of the DEIR includes the results of the three short-term noise level measurements that were taken to establish the existing ambient noise levels in the area. Noise measurements were performed by the noise experts at Dudek in 15-minute increments to represent an hourly equivalent sound level, the accepted methodology for evaluating noise levels for new development like the project. Section 3.3.2 of the September 2013 Caltrans Technical Noise Supplement ("TeNS") states, "A noise measurement representing an hourly Leq does not need to last the entire hour. As long as noise levels do not change significantly, a shorter time period will usually be sufficient to represent the entire hour of interest."
- O9-151 The comment states the author's opinion that the noise models used to evaluate project construction, on-site mechanical equipment operation, and project off-site traffic noise contribution can be "off the mark" due to the frequency of the greater than maximum sound levels of most operating construction equipment. The comment does not specifically explain the source of the author's opinion or give

substantial evidence to support the position. Please see DEIR Section 4.11 and Appendix H of the DEIR, which explains the noise modeling and methodology in detail.

- O9-152 The commenter states their opinion that the project would result in more than the predicted 1,530 daily vehicle trips. The number of vehicle trips associated with the project was calculated in the transportation section of the DEIR. As stated on DEIR page 4.14-8, trip generation estimates for the project are based on daily and AM and PM peak hour trip generation rates that were calculated using the Institute of Transportation Engineers (ITE) 11th Edition Trip Generation Manual (ITE 2021a), consistent with the City's adopted Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (City of Oceanside 2020). Appendix I of the DEIR includes Table 8, which documents that the project would generate 1,530 daily trips, 161 AM peak hour trips (119 inbound and 41 outbound), and 175 PM peak hour trips (54 inbound and 121 outbound). This comment is opinion based and does not raise a specific issue related to the adequacy of the DEIR analysis. Therefore, no further response is required.
- O9-153 The commenter is referencing the explanation for why the DEIR relies on FTA standards. The DEIR relies on the FTA threshold of 80 dBA Leq over an 8-hour period as the construction noise impact criterion during daytime hours (7:00 a.m. to 6:00 p.m.). Although Chapter 38 of the Oceanside Municipal Code does not quantify a threshold for allowable construction noise, the City's General Plan allows noise from construction equipment operation to be as high as 85 dBA at 100 feet from the source. Applying the principles of sound propagation for a point-type source, this level would translate to 91 dBA at 50 feet, which is greater than the maximum sound levels of most operating heavy construction equipment (DOT 2006); thus the type of construction required for the project would be compliant with this standard. Additionally, most construction equipment and vehicles on a project site do not operate continuously. Therefore, consistent with the FTA guidance mentioned in DEIR Section 4.11.2, Regulatory Setting, the project analysis used 80 dBA Leq over an 8-hour period as the construction noise impact criterion during daytime hours (7:00 a.m. to 6:00 p.m.).
- O9-154 The commenter is referencing information that appears to be from the DEIR, but the quoted language is not from Section 4.11 or Appendix H, Technical Noise Report. The comment is stating that improvements by government agencies and public utilities may be exempt from complying with the noise requirements set forth in the Municipal Code. The project is a private development project, so the language referenced in the comment does not appear to apply to this situation. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenter is stating that "existing fencing at the residences would reduce the noise levels below the average 75 decibels during an 8-hour period." The commenter questions if this would still be applicable to residences without fencing and whether proximity plays a factor. Section 4.11, Noise, and Appendix H, Technical Noise Report, of the DEIR do not identify fences at existing residences as a factor in the DEIR's analysis, nor are there any residences within 100 feet of the project site. This language is not included in the DEIR or appendix. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **09-156** The commenter purports to quote from the DEIR, but the language offered is not from the DEIR and does not address project impacts. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- O9-157 This comment restates information contained on pages 6-10 and 6-11 in Chapter 6, Cumulative Effects, of the DEIR, but does not include a comment. Thus, the comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-158 The commenter states that Table 4.11-7 in Section 4.11, Noise, of the DEIR, identifies a sound level of 56.4 dBA CNEL at measurement location ST2. The commenter offers the opinion that such a level is close to being untenable. 56.4 dBA CNEL is the anticipated increase in traffic noise under existing plus project plus cumulative conditions. The increase in noise relative to existing conditions (55.4) would be 1 decibel. As disclosed in the DEIR, a 1 decibel noise increase would not be perceptible to the human ear. Therefore, the DEIR properly concluded that project impacts would be less than significant.
- O9-159 The comment is noting a general opinion that the size of the project would impact home values and quality of life in the area due to increased traffic, noise, and pollution. The commenter does not raise a specific concern regarding information contained in the DEIR that evaluates all the direct and indirect impacts of the project or the adequacy of the DEIR; therefore, no further response is required.
- O9-160 The commenter states that under the existing zoning up to six trucks are permitted on site at one time and the CUP is requesting 114 truck bays and 60 additional truck parking areas, plus 590 personal vehicle parking spaces. Please refer to Thematic Response 6, which provides an update to the number of truck bays, and Thematic Response 5, which provides clarification of what is allowed under the existing zoning. The commenter also adds their opinion that the developer changed the analysis in the EIR to be more favorable. To clarify, the City hired an objective third party consultant to prepare the EIR and the EIR is the City's document, not the developers.
- O9-161 The commenter questions the interpretation of the "light industrial" zoning since a tenant for the project has not been identified. Please refer to Thematic Response 3 regarding a future tenant and also Responses to Comments O9-35 and O9-41.
- O9-162 The comment inquires who the prospective tenant would be and indicates that the identity is required to evaluate compliance with the California Fire Code, which establishes minimum safety requirements concerning fire, panic, and explosion prevention and management. The project must comply with the California Fire Code and the California Building Code, regardless of the tenant. Further, DEIR Section 4.13, Public Services, evaluates the topic of fire department services and demonstrates that project impacts would be less than significant. For information regarding the future tenant please refer to the Thematic Response 3 and Response to Comment 09-41.
- O9-163 The comment argues the increase in project traffic on local roadways and SR-76 means response times would not be adequate. No authority or evidence is cited to support the author's opinion. Section 4.13 of the DEIR, Public Services, addresses the potential for the project to have a significant impact under CEQA as it relates to emergency response times.

General Plan Policy 3.1 outlines the City's commitment to ensuring sufficient Fire Department facilities are provided to serve development by meeting specific service standards. These standards include achieving a 5-minute response time from fire stations to all developed areas within the City, maintaining a minimum staffing level of four people per company, ensuring adequate staffing levels to achieve a desirable Insurance Service Office rating locally, and establishing maximum response times for paramedic units in urban and rural areas. The commenter expresses concern that the addition of 590

new vehicles from the site, alongside the Ocean Kamp Project and future industrial developments east on Alex Road, as well as existing traffic levels on Foussat and Benet Road, would compromise response times for emergency services.

The DEIR evaluates this issue. For example, General Plan Policy 3.5 emphasizes the importance of close coordination between planned improvements to the circulation system in the City and the location of future fire stations. This coordination aims to ensure adequate levels of service are provided and response times maintained across all areas of the community, considering both existing and future traffic patterns and developments. As demonstrated in DEIR Appendix K, Fire Response Technical Memorandum, OFD Station 7 would arrive at the project's entrances in less than 2 minutes and could reach all portions of the project in under 3 minutes travel time (4 to 5 minutes total response time). This analysis indicates that the first arriving paramedic engine and ambulance from Station 7 could respond within OFD's 5-minute total response goal to an estimated 100% of the project site. As determined in Section 4.13.4 of the EIR, while development of the project site would place a slight increase in demand on fire protection services in comparison to existing conditions, the project 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; the project would be adequately served by existing fire stations. The project 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.

- O9-164 The comment is referencing the prior comment and General Plan Policy 3.10 and Policy 4.3 concerning fire and police department services and an unidentified tenant. Please see Response to Comment O9-163 and Thematic Response No. 3.
- O9-165 The comment is asking if the project is required to pay City fees, specifically for road improvements and repairs to accommodate increased traffic. Pursuant to City adopted regulations, the project is required to pay City public facility impact fees, determined by the prevailing impact fee schedule at the time of building permit issuance. These fees are earmarked to finance different capital improvements for public services.
- O9-166 The commenter claims the DEIR was prepared by the developer and thus results in a more favorable review and reiterates that because no tenant is identified the impacts of a prospective tenant has not been evaluated. Please see Responses to Comments O9-35 and O9-160 and Thematic Response 3 regarding a future tenant.
- O9-167 The comment is generally restating what the project is proposing relative to the prior development on the site. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-168 The commenter expresses an opinion, without supporting evidence, that project related traffic congestion and road wear on Foussat and Benet Roads and SR-76 would influence the existing north river community. The DEIR evaluated the project's increase in traffic on local roadways in Section 4.14, Traffic and Circulation, and the expert analysis demonstrates that the project would have less than significant impacts. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- **O9-169** The commenter again asserts that the identity of future tenants is required to evaluate fire protection issues. Please see Response to Comment O9-35 and Thematic Response 3.
- O9-170 The commenter speculates about impacts on police services arising from a potential increase in traffic accidents and potential 24/7 operations. As discussed in Section 4.13 of the DEIR, Public Services, the DEIR evaluated potential impacts from the warehouse, distribution, and manufacturing uses proposed by the project including increased trips and calls for police services. For potential impacts to public services, the CEQA significance threshold asks if the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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 outlined in Section 4.13.4 of the EIR, the project is consistent with the underlying industrial zoning and General Plan land use designation. Implementation of the project could result in an increase in demand for police protection services as a result of a larger operational industrial development at the project site. However, the project site has been previously developed and is located within a highly developed area of the City that already receives police protection services. Additionally, project implementation would result in an increase of approximately 499 employees at the project site. As the project is consistent with the zoning and land use designation of the project site, this increase to the number of people on site has been accounted for in the City's General Plan. The increase of approximately 499 employees at the project site would not result in a substantial increase of service calls to the Police Department that would require 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.

O9-171 The commenter questions the methodology used to analyze project impacts on schools and parks based on speculations offered by the author. Utilizing methodologies consistent with the applicable significance thresholds, the project's potential for significant impacts on schools and parks was adequately evaluated in the DEIR in Sections 4.13 and 5.3. For potential impacts to public services, the CEQA significance threshold asks if the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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 outlined in Section 4.13.4 of the DEIR, the project is consistent with the underlying industrial zoning and General Plan land use designation. Due to the project being industrial in nature, the project would not result in residents on site. However, the project applicant would be subject to City development impact fees, as applicable, and applicable OUSD development impact fees. The DEIR determined the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities or the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for school facilities. Similarly, the DEIR determined the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities or the need for 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.

- O9-172 The commenter expresses their opinion that the DEIR does not analyze a worst case scenario and public services would be more affected by the project than what is evaluated in the DEIR. However, the comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **09-173** This comment is identical to comment I-29, therefore, please refer to Response to Comment I-29 for a response.
- O9-174 The commenter questions whether the project would conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). The commenter restates information from DEIR Appendix J, Vehicle Miles Traveled Analysis, regarding the VMT analysis, which states that the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) with the implementation of MM-TRA-1. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-175 The commenter expresses concern regarding the Voluntary Employer Commute Program (MM-TRA-1) and the author's opinion that there will be a lack of oversight to ensure compliance over the life of the project. The author is mistaken, as the program referenced is a formally adopted mitigation measure included in the DEIR and the MMRP. Please refer to Response to Comment 05-17.
- O9-176 The commenter speculates about what may happen in the future and asks how the Voluntary Employer Commute Program would be enforced. Please see Response to Comment O5-17. The comment does not raise any other specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-177 The commenter is questioning the methodology used to evaluate the number of vehicle trips generated by the project. The DEIR's analysis was prepared, reviewed, and approved by the City and the third party CEQA consultant using the City's adopted guidelines and other reputable sources such as Federal Highway Administration standards referenced in the comment. Specific to the comment, while a PCE factor is used to convert a mixed stream of cars and trucks into a single uniform PCE stream for analysis purposes, it is not applied to intersection peak hour analyses. This is because intersection analyses already incorporate a heavy vehicle factor. According to the Highway Capacity Manual, incorporating a PCE into simulation analyses that already accounts for heavy vehicles would lead to redundant adjustments not consistent with informed decision making. Therefore, the DEIR properly analyzed and disclosed the project's potentially significant impacts.
- O9-178 The commenter restates information from Section 4.15, Tribal Cultural Resources, in the DEIR regarding the records search of the project site and a surrounding 1-mile radius, which notes a resource is located 150 meters northwest of the site. The commenter adds 150 meters is within a mile. The comment does not raise any other issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-179 The commenter restates information from Section 4.15 of the DEIR regarding follow up with tribes as part of the review of the Sacred Lands File and also the AB 52 consultation process. As reflected in the comment, the San Pasqual Band of Mission Indians was satisfied with the AB 52 consultation. The commenter

misunderstands the process and the response received from the tribe. Further, MM-CUL-1 through MM-CUL-7 specify the requirements for involving Native American monitors during project construction.

- O9-180 The comment asks if the analysis complied with General Plan Policy 3.2D, which requires an archeological survey be completed for projects that meet specific criteria, including areas near a stream or other water body. A Cultural Resources Report was prepared for the project and is included in Appendix D-2 of the DEIR. The report was prepared by a qualified archeologist in compliance with professional standards. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **09-181** The commenter expresses their opinion that the DEIR relies on incomplete information and does not ask the right questions that address the real impact on the neighboring community. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- O9-182 The commenter notes that the DEIR identifies the potential number of employees as 499 in one location and 590 in another and asks which is correct and if there a reason for the discrepancy. The comment also asks about the methodology to determine impacts related to electricity usage and speculates about what might happen in the future. As indicated in Section 4.13, Public Services, and Section 4.12, Population and Housing, of the DEIR, the project is projected to create approximately 499 permanent jobs on site. Additionally, there would be 590 parking spaces allocated for employee and visitor parking. The inclusion of 590 employees in DEIR Table 4.16-1 in Section 4.16, Public Utilities, is an error and has been corrected. Please see Final EIR Section 4.16.

The project's increase in electrical demand is evaluated in Sections 4.5 and 4.16. As described in Section 4.5 of the DEIR, the energy demand analysis uses the latest version of California Emissions Estimator Model (CalEEMod), Version 2020.4.0,³ to estimate the proposed project's energy use. As indicated, the project would comply with the state's building standards to reduce demand for electricity. Compliance with these requirements was factored into the model that estimated the project's overall demand. The project is consistent with the General Plan and zoning designations. The DEIR addresses the existing electrical grid and how it can accommodate the increase in demand based on SDG&E's existing infrastructure. To address future growth, SDG&E, like other utility providers, uses sophisticated models and develops plans for expansion of new lines or reconductoring of existing lines to ensure adequate capacity is available to handle future development.

As described in DEIR Section 4.5, the project's resultant increase in energy demand would not exceed the available capacity of SDG&E servicing infrastructure to the site or beyond and would be consistent with local and regional plans for usage of the project site and the energy consumption associated with that usage. Considering the project would be consistent with the City's General Plan and zoning for the site, the local and regional energy-demand planning would have included the project. As substantiated in the calculations in Section 4.5 of the DEIR, the increase in electricity and natural gas usage attributable to the proposed project falls within the current electricity and natural gas local demands.

³ CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform to calculate construction and operational emissions from land use development projects. The model was developed for the California Air Pollution Control Officers Association in collaboration with multiple air districts across the state. Numerous lead agencies in the state, including the San Diego Air Pollution Control District, use CalEEMod to estimate greenhouse gas emissions in accordance with CEQA Guidelines Section 15064.4(a)(1). CalEEMod Version 2020.4.0 was used for project analysis prior to the release of CalEEMod 2022, which was released for "full launch" on December 21,2022. Use of CalEEMod 2020.4.0 is appropriate for the project as CalEEMod Version 2022 was not available at the time of the project Notice of Preparation in July 2022.

In addition, the project would comply with Title 24 energy-efficiency standards, use appliances that meet Title 20 requirements, and implement sustainability design features. As outlined in Chapter 3 of this DEIR, proposed sustainability design features to be incorporated into the project design include electric vehicle parking stalls; solar PV roof tiles to accommodate 50% of on-site energy demand as required by the City of Oceanside Zoning Ordinance Article 30, Section 3047; and drought-tolerant landscaping and water-efficient irrigation systems.

The commenter is asking if the state has reached its goal of reducing, recycling, or composting at least 75% of all solid waste generated by the year 2020, per AB 341, and if the City and project are able to achieve the City's recycling goal of 75% or greater. The commenter also asks if the state achieved its urban water consumption goal of 20% by 2020. The DEIR discussed the relevant laws related to solid waste diversion and urban water consumption in Section 4.16. The EIR determined that the project would not 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. Because construction and operation of the project have not occurred and would not occur until after City approval of the project, the project has no role associated with helping achieve City waste diversion goals or water consumption goals by year 2020.

Not included in the EIR, but in response to this comment, according to the state's 2022 State of Disposal and Recycling Report (CalRecycle 2024), the state diverted 46% of solid waste from landfills, falling short of its goal of 75%. According to the City's 2020 Zero Waste Plan, in 2018 the City diverted 67% of its solid waste from the landfill. More recent data are not available. The state reached its goal of a 20% reduction in per capita water use by 2020 in 2014, according to the Legislative Analyst's Office Report published January 4, 2024. As outlined in Section 4.16, the DEIR determined that since sufficient water supply would be available to serve the project during normal, dry, and multiple-dry years, the project would not have a substantial adverse effect due to the unavailability of water, and impacts related to water supply would be less than significant. Furthermore, the DEIR determined that the project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, nor would it otherwise impair the attainment of solid waste reduction goals.

- O9-184 The comment is referring to information in Section 4.17 of the DEIR, Wildfire, and information from the Fire Response Technical Report, Appendix K. The commenter is questioning if the fire stations are correctly identified in Appendix K. In response, Appendix K correctly analyzes the closest serving fire stations to the project site (OFD Station 7 and Station 3). Please see Attachment 1 and 2 of Appendix K.
- **09-185** The comment refers to information in Section 4.17 of the DEIR, Wildfire, regarding existing conditions and fire history. As the commenter is merely restating information and does not raise any specific issues concerning the adequacy of the DEIR, no further response is required.
- O9-186 The comment references information from CAL FIRE regarding the fire and resources assessment program, which notes the project site has been spared from wildfires. As the commenter is merely stating information and does not raise any specific issues concerning the adequacy of the DEIR, no further response is required.
- O9-187 The comment refers to a wildfire in 2017 that was close to the project area, near State Route 76, and expresses concern about the project's susceptibility to similar events due to the wind patterns. The DEIR evaluates hazards associated with wildfire in Section 4.17. As described in Section 4.17, the

project site is located in a largely urban and developed area of the City; however, the San Luis Rey River is located just north of the project site. Although the project site is located adjacent to the San Luis Rey River corridor, which includes native vegetation that could present a wildfire risk, the San Luis Rey River Trail, located between the project site and the river corridor, provides a fuel break between the vegetation and the project site. Additionally, the proposed floodwall surrounding the entire project site would provide an additional barrier in the event of a wildfire within the San Luis Rey River corridor. The area is subject to Santa Ana winds that typically occur in the fall; however, the risk of wildfire during the Santa Ana season is offset by the irrigation and maintenance of the landscaping, compliance with the California Building Code and CFC as adopted by the City, and existing and proposed intervening features that separate the project site from the San Luis Rey River corridor. Due to existing development in the vicinity, the relatively flat topography of the site and lack of slopes that would exacerbate fire risk, and updated building standards as part of the proposed development, implementation of the project is not expected to exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

- 09-188 The commenter restates that the project site is located within a Very High Fire Hazard Zone (VHFHSZ) and asserts that the potential for a wildfire is not limited to areas to the north but that one could also spread from the west. The DEIR does not state that fire risk only comes from the north as the comment indicates. While the project site falls within a VHFHSZ according to CAL FIRE's assessment, the DEIR discusses how surrounding urban land uses to the south and east lower the wildfire risk. Additionally, the project site itself is flat and does not contain slopes that can sometime accelerate the spread of wildfire, further reducing potential fire hazards. It is acknowledged there is the potential for wildfire to spread from the west. As disclosed in the DEIR Section 4.17, although the project site is located adjacent to the San Luis Rey River corridor, which includes native vegetation that could present a wildfire risk, the San Luis Rey River Trail, located between the project site and the river corridor, provides a fuel break between the vegetation and the project site. Additionally, the proposed floodwall surrounding the entire project site would provide an additional barrier in the event of a wildfire within the San Luis Rey River corridor. Based on those and other factors referenced in the Final EIR, as well as compliance with building and fire code standards, the proposed project would not exacerbate wildfire or uncontrolled spread risks associated with the San Luis Rey River corridor. Measures such as compliance with adopted state building standards and a proposed floodwall are also built into the project and will minimize the potential for wildfire risks. Therefore, while acknowledging the VHFHSZ classification, it has been determined that the project would not exacerbate wildfire risks.
- O9-189 The commenter indicates that it is providing historical information regarding a plane crash and suggests a scenario could occur where fuel could ignite and cause a fire near the project site. Section 15145 of the CEQA Guidelines clarifies that an EIR is not required to evaluate impacts that are too speculative. The potential for a plane to crash near the project site that could result in a wildfire would be too speculative and not required to be addressed or evaluated in an EIR. DEIR Sections 4.8 and 4.17 evaluate the project's contribution to potential wildland and wildfires and the analysis demonstrates why the project would have less than significant impacts.
- O9-190 The comment states variations in vegetative cover type and species composition can affect fire behavior and that without diligent implementation of disturbance or fuel reduction efforts, biomass and associated fuel loading will increase over time, exacerbating fire risks. While acknowledging the importance of vegetation dynamics in fire behavior in general, the DEIR evaluates the specific

characteristics of the project site and surrounding area in performing the CEQA compliance analysis. The project site, although located near the San Luis Rey River, is relatively flat and previously developed. The project would remove a majority of the existing vegetation and any on-site fuel to be replaced with buildings, parking lots, and irrigated landscaping. Moreover, the project includes measures such as compliance with building standards and a proposed floodwall, which further address the type of wildfire risks that require analysis under CEQA. As demonstrated in Section 4.17, the project specific analysis demonstrates that the project would have less than significant impacts.

- O9-191 The commenter explains how topography influences fire risk by affecting fire spread rates, noting that steep terrain usually results in faster fire spread upslope and slower spread downslope. They provide an example of the San Luis Rey River, stating most of the river runs below the ground and is covered in dead and green shrubs growing uphill. The commenter states that the project site is located on top of the river. In response, the DEIR's analysis considers the proximity of the San Luis Rey River to the project site and also the fact that the project site is relatively flat and previously developed. Measures such as compliance with building standards and a proposed floodwall are identified as elements that further reduce wildfire risks. Thus, while topography can affect fire behavior, the DEIR evaluated the project's specific characteristics and determined that project impacts would be less than significant.
- O9-192 The commenter restates information from the DEIR that states that the project site does not include topography or slope variations that would create unusual weather conditions that would lead to increased fire risk and the DEIR's acknowledgment that the site is subject to seasonally strong winds, such as Santa Ana winds, which can result in periodic extreme fire weather conditions that occur throughout the City. The commenter is alluding to this DEIR text being in conflict. In response, the project would not alter the topography of the site in a manner that would create unusual weather conditions. The project site is relatively flat and previously developed. As outlined in Section 4.17 of the DEIR, all of San Diego County, including the project site, is subject to seasonally strong winds, such as Santa Ana winds. That fact, as well as other conditions on the project site and in the surrounding area, were taken into consideration in the project's analysis and the DEIR's determination that the project would have less than significant impacts.
- O9-193 The commenter asserts, as disclosed in the DEIR, that various codes and regulations in the regulatory setting section of Section 4.17 of the DEIR, including the National Fire Protection Association codes, Uniform Fire Code, International Fire Code, International Wildland-Urban Interface Code, and Government Code, are not binding obligations. The commenter does not raise any specific issues regarding the adequacy of the DEIR's analysis; no further response is necessary.
- O9-194 The commenter restates information from the DEIR that CAL FIRE states that although the project site is within a VHFHSZ, and vegetation in the San Luis Rey River corridor to the north could present a wildfire risk, land uses to the south and east do not present a wildfire risk. They request clarification of whether land to the west presents a wildfire risk or not. In response, the project site is bound by Benet Road to the west, and past that, adjacent areas to the north and northwest within the San Luis Rey River corridor and River Trail are zoned as Open Space, which could present areas of wildfire risk. As outlined in Section 4.17 of the EIR, although the project site is located adjacent to the San Luis Rey River corridor, which includes native vegetation that could present a wildfire risk, the San Luis Rey River Trail, located between the project site and the river corridor, provides a fuel break between the vegetation and the project site. Additionally, the proposed floodwall surrounding the entire project site would provide an additional barrier in the event of a wildfire within the San Luis Rey River corridor.

Based on those and other factors identified in the Final EIR, as well as compliance with building and fire code standards, the proposed project would not exacerbate wildfire or uncontrolled spread risks associated with the San Luis Rey River corridor. Please refer to the Wildfire Evacuation Study included as Appendix N to the Final EIR. Please also refer to Thematic Response 1.

- O9-195 The commenter provides an image depicting what the comment describes as nearby areas of wildfire concern and sources of wildfire initiation and spread, such as homeless camps, illegal off-road courses, unauthorized activities, and canyons/slopes. The comment also includes what the author describes as an image illustrating evacuation and emergency vehicle entry/exit routes, highlighting the necessity to navigate through two roads within the fire hazard zone during a wildfire. Additionally, they attach a third image showing the warehouse located within the CAL FIRE very high fire hazard zone. However, as the commenter does not raise any specific issues regarding the adequacy of the DEIR's analysis, further response is not required. Please refer to Thematic Response 1 and Final EIR Appendix N, which address wildfire evacuation in and around the project site, including those topics identified in the commenter's images.
- O9-196 The commenter refers to Chapter 5 of the DEIR, Effects Found Not to Be Significant, and asks how it was determined that there would be no impact on mineral resources. They also seek clarification on how the use of fertilizers and pesticides during tree replanting would affect mineral resources. In response, the DEIR discloses that the project site is within Mineral Resource Zone 3 according to the City's General Plan and that the project site is not designated as a mineral resource area. Therefore, the project would not result in significance impacts under the CEQA significance thresholds as the project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or an important mineral resource recovery site delineated by the City. Additionally, the transport, removal, storage, use, and disposal of hazardous materials, including fertilizers, would comply with federal, state, and local regulations, ensuring they are handled by permitted and licensed service providers, as outlined in Section 4.8 of the DEIR.
- O9-197 The commenter reiterates details from Section 5 of the DEIR, Effects Found Not to Be Significant, and seeks clarification on the determination of a less than significant impact concerning the potential increase in the use of existing neighborhood and regional parks or other recreational facilities due to the project. In response, the EIR demonstrates that the project does not propose any residential uses, and thus it would not directly lead to a substantial unplanned increase in population growth within the project area. As outlined in Section 5.3 of the EIR, a significant impact related to recreation would occur if the project would:
 - A. 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.
 - B. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

The proposed project is consistent with the designated land use and zoning for the site, and such proposed uses were accounted for as part of the City's General Plan. Additionally, employees would not reside on site, and not all employees are expected to be new to the area or new users of the City's recreational facilities. Moreover, adherence to the General Plan was assumed in calculating growth and development projections for the 2021 Regional Plan. Therefore, the implementation of the project would result in planned growth, aligning with local plans and projections by the San Diego Association of Governments, and would not exceed anticipated development levels or cause increases in

population/job growth beyond what was already contemplated. Consequently, the project would not intensify the use of existing neighborhood parks, regional parks, or other recreational facilities to a degree that would result in substantial physical deterioration or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

- 09-198 The commenter argues that the DEIR reaches erroneous conclusions regarding effects found not to be significant. In response, an EIR assesses potential environmental effects of a proposed project based on data, technical studies, and predictive modeling. The DEIR's determination that certain effects are "not significant" means that, based on the available information and analysis, the project is not expected to have a significant adverse impact on the environment. This determination is made by comparing the project's potential effects to established thresholds, standards, or criteria set by regulatory agencies or environmental guidelines. The DEIR is an informational document that provides the City's decision makers, public agencies, responsible and trustee agencies, and members of the public with information about (1) the potential for significant adverse environmental impacts that would result from the development of the proposed project, (2) feasible or potentially feasible ways to minimize any significant adverse environmental impacts that would result from the development of the proposed project, and (3) a reasonable range of potentially feasible alternatives to the proposed project that would reduce or avoid significant adverse environmental impacts associated with the proposed project (California Public Resources Code Section 21002.1[a]; 14 CCR 15121[a]). The DEIR was prepared in accordance with CEQA (California Public Resources Code Section 21000 et seg.), the CEQA Guidelines (14 CCR 15000 et seq.), and the City's environmental review procedures. Substantial evidence in Chapter 5 and elsewhere in the project files supports the determinations of project effects found not be significant.
- O9-199 The comment references DEIR Figure 8-1, Multi-Building Alternative, and the commenter mentions a collection of letters from various organizations expressing interest or raising questions about the project. The commenter mentions 196 letters from local residents opposing the project, including a letter from Caltrans urging the project to utilize the Governor's Office of Planning and Research Guidance to address VMT-related impacts and prepare a Traffic Impact Study assessing near-term and long-term safety or operational concerns of the proposed project concerning existing or proposed state facilities. In response, this Response to Comments document provides formal responses to all public comment letters received during the public review period. Please see Response to Comment Letter A3, which addresses comments raised by Caltrans.
- O9-200 The commenter states that the TIS should evaluate fire/emergency evacuation for the adjacent housing community to the north that routinely uses Benet Road and Foussat Road as access to SR-76. In response, a Local Transportation Study (LTS) was prepared for the project (DEIR Appendix I), which determined if there would be measurable transportation impacts based on the City of Oceanside level of service standards. Per the City's formally adopted LTS guidelines, an LTS does not evaluate fire/emergency evacuation. Please refer to Thematic Response 1, as well as Sections 4.8 and 4.17 of the DEIR, for a discussion of CEQA and evacuation planning. This comment does not raise any specific issues with the adequacy of the DEIR, and no further response is required.
- O9-201 The commenter highlights Caltrans' endorsement of collaboration with local agencies to develop a safe, functional, interconnected, multimodal transportation network, integrating "smart growth" land use planning and policies. In response, please see Responses to Comments 09-199 and 09-200.

- O9-202 The commenter references a letter from San Diegans for Sustainable Economic and Equitable Development (SDSEEDS) expressing an opinion about the project's location in an area vulnerable to pollution effects. Additionally, they request the EIR include a Health Risk Assessment (HRA) that includes both construction and operational diesel PM emissions and cancer risk assessment. In response, Section 4.2.4 of the DEIR provides the project impact analysis including construction and operational HRAs of sensitive receptors including the single-family residences north of the project. As demonstrated in the HRA and Section 4.2 of the DEIR, construction and operation of the project would not expose sensitive receptors to substantial pollutant concentrations; impacts would be less than significant. Therefore, no revisions are required, and no further response is necessary. Please refer to Section 4.2 of the DEIR, and Appendix B to the DEIR.
- This comment refers to Figure 8-2 in the DEIR, Reduced Building Footprint Alternative. The commenter includes a brief overview of the alternative and states it does not constitute a significant reduction and would still result in the same number of negative impacts. In response, this alternative would reduce the building footprint area on site by 276,760 square feet and decrease the total building area by 25,785 square feet. Overall, this alternative would reduce the total building area by 0.59 acres and substantially decrease the building footprint area by 6.35 acres. Additionally, this alternative would increase the setback from the San Luis Rey River. Although the Reduced Building Footprint Alternative would substantially lessen impacts related to biological resources and cultural resources, mitigation would still be required under this alternative to ensure potential significant impacts are reduced to a less than significant level.
- O9-204 This comment refers to Appendix A of the DEIR and Figure 8-1 in the EIR. Appendix A of the DEIR is the Notice of Preparation and Comment Matrix. Figure 8-1 is provided as part of Chapter 8 to the EIR. The comment does not raise any specific issues with the adequacy of the DEIR, and no further response is required.
- O9-205 This comment refers to Appendix B of the DEIR, Air Quality and Greenhouse Gas Technical Report. The commenter states that the report overlooks the project's location in an area where residents are vulnerable to pollution effects. In response, the DEIR and Appendix B provide a CEQA compliant evaluation of air quality impacts related to the project, considering potential effects on sensitive receptors. Please refer to Response to Comment 09-202.
- O9-206 The commenter opines that the project would have a potential negative impact on local wildlife, particularly highlighting its location within the Pacific Flyway Zone for bird migration to and from Whelan Lake. In response, the project underwent an extensive environmental assessment to identify and address potential impacts on wildlife and their habitats. That analysis included consideration of project impacts on local wildlife including migratory birds. With compliance with laws such as the Migratory Bird Treaty Act and imposition of mitigation, including items such as preconstruction nesting bird surveys, potential project impacts on wildlife and their habitats were determined to be less than significant. Please refer to Section 4.3 of the DEIR, which discusses potential impacts related to migration corridors.
- O9-207 This comment addresses DEIR Appendix C, Biological Technical Report, and offers conclusory statements about the project. The comment does not address any of the specific discussion or analysis of biological resources included in the DEIR or Appendix C.

As shown in Table 4.3-4 of the DEIR, the project would result in permanent direct impacts to 15.43 acres of disturbed habitat and 14.90 acres of developed land. The project would not result in direct habitat modifications that would have a substantial adverse effect 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 Wildlife or USFWS. Direct project impacts through habitat modification were determined to be less than significant since the project would not result in impacts to habitat that supports these species. Additionally, refer to Response to Comment 010-5, related to potential noise impacts on biological resources, and 09-10 for a discussion of pollutants.

- O9-208 The comment references DEIR Appendix D, the negative cultural inventory and report. The commenter asserts that there should be continual observance by local Native American tribes, and should any artifacts be discovered, all construction should be halted. In response, Section 4.4 of the DEIR and Appendix D to the EIR describe Native American monitoring during construction consistent with City standards and the AB 52 consultation with applicable tribes. The commenter does not identify any specific issues with the adequacy of the DEIR; further response is not required.
- 09-209 This comment pertains to DEIR Appendix G, Storm Water Quality Management Program. The commenter includes an opinion about the conclusions reached in Appendix G based on the volume of truck trailer loading docks. In response, the SWQMP was prepared by experts based on requirements set forth in the Regional Water Quality Control Board's National Pollutant Discharge Elimination System MS4 Permit that covers the San Diego Region and was accepted by City staff as compliant with the same. Please refer to Section 4.9 of the DEIR, which describes the existing and proposed drainage on site in detail. Implementation of the Hydrology and Hydraulics Report, the SWQMP, and the SWPPP, as well as a combination of structural BMPs, site design BMPs, and source control BMPs, would provide post-construction pollutant controls, reducing potential operational impacts related to water quality standards or waste discharge to less than significant. Further, the project would include a new stormwater conveyance system that would be in place during operations of the project, including those operations pertaining to usage of the truck bays, and the installed system would route stormwater to subterranean vaults/treatment facilities where it would be treated in accordance with the above regulatory standards before being routed and discharged off site. Accordingly, the project would be consistent with and would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Regarding the 114 truck bays, please see Thematic Response 6, which discusses the truck bay reduction, which would be implemented as part of the project entitlement package.
- This comment refers to DEIR Appendix H, Noise Technical Report. The commenter speculates that noise associated with the 114 truck bays would generate unacceptable volumes of noise caused by excessive idling of diesel engines, shouting, loud music, and back-up beepers. Additionally, the author asserts that warehouse-related noise is one of the major impacts on local resident's property values. Both Section 4.11 of the DEIR and Appendix H provide expert analysis to support the DEIR's determination that noise associated with construction and operation of the project, including noise associated with trucks and truck bays, would be less than significant. Regarding the 114 truck bays, please see Thematic Response 6, which discusses the truck bay reduction, which would be implemented as part of the project entitlement package.
- O9-211 This comment references DEIR Appendix I, Local Transportation Study. The commenter offers an opinion about warehouse employee wages and concludes that those employees would be unable to

utilize local transportation options effectively. The issues raised do not relate to the standards for an LTS or to CEQA so no further response is required. Please also refer to Responses to Comments 05-14 and 05-17.

- O9-212 This comment pertains to DEIR Appendix J, Vehicle Miles Traveled Analysis. The commenter expresses skepticism regarding categorizing the warehouse as light industrial rather than high-cube warehouse. In response, please see Response to Comment 03-12.
- O9-213 The commenter seeks clarification regarding the number of daily tractor-trailer trips required to serve 114 loading docks. In response, as detailed in Appendix J to the DEIR and Section 4.14 of the DEIR, the project is estimated to generate 1,530 daily trips for all users. However, this reflects a conservative daily trip rate, as the project is reducing the number of truck bays from 114 to 57 as part of the final project entitlement package being presented to City Council. Please see Thematic Response 6.
- O9-214 The commenter requests clarification on whether diesel refrigeration trucks will be included. Additionally, they claim that if there will be diesel refrigeration trucks they will add to noise and pollution as they will be running at all times. In response, diesel refrigeration trucks would not be included as part of project operation, as the project has not been designed to support refrigeration.
- O9-215 The commenter argues that the VMT analysis requires knowledge of the future tenant. Please refer to Responses to Comments O9-12 through O9-14. For further details regarding the public's questions about a future tenant of the property, please refer to Thematic Response 3.
- O9-216 This comment questions the DEIR's methodology for evaluating fire-related impacts under CEQA. Please refer to Response to Comment O3-19 and Thematic Response 1.
- O9-217 The commenter states that the Oceanside Fire Department indicates that industrial warehouses of this size typically contain high-piled combustible materials, potentially leading to a hazardous materials (HAZMAT) scenario and increased call volume and hazards for first responders. The commenter does not include a reference or source for their comment. In response, please refer to Sections 4.8 and 4.13 of the DEIR, which analyze potential hazardous uses associated with the project and fire response for the site. Impacts related to hazards and hazardous materials, as well as fire service, were determined to be less than significant. The Oceanside Fire Department has reviewed preliminary plans for the site, and will be required to review all final construction plans prior to approval.
- The commenter asserts that the project's traffic increase would likely result in more collisions involving flammable and combustible liquids, including gasoline and electric-powered vehicles. However, this claim lacks supporting evidence. As outlined in Section 4.8 of the DEIR, industrial-grade chemicals in the day-to-day operation would be stored on the project site, and storage would be required to comply with the guidelines established by the manufacturer's recommendations. Consistent with federal, state, and local requirements, the transport, removal, usage, and disposal of hazardous materials from the project site would have to, by law, be conducted by a permitted and licensed service provider in accordance with all applicable laws. With mandatory regulatory compliance, and given the nature of the proposed use, operations of the project operations would not result in a significant impact related to hazardous substances.

- O9-219 The commenter states that the facility is located within a high fire severity zone and that there would be an additional load on evacuations. In response, please refer to Response to Comment 09-216.
- O9-220 This comment refers to DEIR Appendix L, Geotechnical Investigation. The commenter claims there is no mention of oversight or compliance within the recommendations made by NovaServices. In response, an updated Geotechnical Report that amplifies the information included in the earlier report was completed in April 2024 and is included as Appendix L-1 to the Final EIR. Section 7 of this updated Geotechnical Report includes geotechnical recommendations for the design of the proposed improvements on site. Compliance with the Geotechnical Report recommendations is required as a standard condition of approval of the project. As outlined in Section 4.6 of the DEIR, implementation of all recommendations outlined in the geotechnical investigation report (Appendix L and Appendix L-1) and adherence to the IBC and CBC specific performance standards would ensure impacts related to geology and soils would be less than significant.
- O9-221 This comment refers to DEIR Appendix M, Phase I Environmental Site Assessment. The commenter states that the validity of this report hinges on final evaluations being made by the DTSC. Please refer to Response to Comment Letter A2 and Final EIR Section 4.8.
- O9-222 The commenter criticizes the DEIR for its size and speculates about an ulterior motive for preparing a detailed analysis. The commenter does not identify any specific issues with the adequacy of the DEIR; further response is not required.

Comment Letter 010

Response to the recently released Draft Environmental Impact Report

(RAF PACIFICA GROUP)

Devastating Impact of a Proposed Warehouse Project on Essential Wildlife Corridors

Prepared by Wanis View Wildlife Preserve Volunteers

The following memo describes our concerns regarding the proposed warehouse project Draft EIR (DEIR). We believe it completely fails to take into account the substantial progress Oceanside has made in the last 30+ years in establishing essential wildlife corridors and environments.

010-1

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- VI. Importance of Mitigation-Possible Remedies
- VII. Appendix I List of Species of Special Interest in Wanis View Preserve
- VIII. Appendix II Calculation of Noise Levels
- IX. References

Major Issues with EIR

The Draft EIR Report has been released by Eddie Jones Warehouse, Manufacturing and Distribution Facility Project - RAF PACIFICA GROUP. We 010-2

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| have identified numerous inadequacies and omissions in both the Biological and Noise Reports that seriously impact Wildlife in the area. | 010-2 Cont. |
|--|----------------|
| Major issues include: | T |
| The DEIR completely ignores the presence of the nearby biologically rich Wanis View Preserve, home to 300 native plant and animal species. This includes 22 rare, endangered, and special status species. | 010-3 |
| It treats a complex ecosystem with essential wildlife corridors and habitats in a very simplistic manner. The DEIR surveys were quickly done and only looked at land that had been recently disturbed. | 010-4 |
| The Noise estimates are totally inadequate for wildlife issues through the use of human hearing weighted frequencies (A-weighting) and extensive time averaging of the various noise sources. Low frequency noise is completely ignored, yet its impact on loudness, annoyance, and perception is significant. The firing rate of diesel engines is usually below 100Hz (low frequency), so the impact on wildlife near a warehouse with diesel powered trucks must be addressed and resolved. The DEIR incorrectly concludes no A-weighted noise impact from the operating warehouse. Our first-principles noise calculations predict substantial noise in the wildlife areas. Our calculation methods also successfully reproduce the existing noise levels in the area (methodology verification) | 010-5 |
| The DEIR ignores the two important wildlife surveys planned in the area: American Badger and Pacific Pocket Mouse (2024). | 010-6 |
| The noise and light from this Warehouse project will irreversibly destroy this vital network of wildlife in this area. Wildlife Preserves and Wildlife Corridors are meant to last forever, but this warehouse will put this at serious risk. No mitigation measures are proposed in the DEIR. | 010-7 |
| Introduction: | Ī |
| Our group loves living in Beautiful Oceanside and greatly appreciate the progress our City Officials have made in improving the community. We are volunteers and wildlife proponents that have been working in the various Wildlife Preserves, Beach clean-ups and River clean-ups in Oceanside. We care deeply | 010-8 |

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about the health and quality of our local environment. We are volunteers and homeowners connected to the **Wanis View Preserve**.

010-9

We are deeply disappointed that the DEIR published by (RAF PACIFICA GROUP) has failed to correctly describe the impact of this project on local wildlife and the Multi-habitat Conservation efforts in San Diego County. Wanis View Preserve is the cornerstone of a more than 2000+ acre network of native bird/animal/plant preserves/sanctuaries in Oceanside and surrounding areas. This Wildlife Preserve was not even mentioned in their DEIR.

010-10

The proposed "eddie jones" warehouse project is dangerously close to this critically important wildlife network and corridor. Our concerns center around the disturbance, noise, light, and traffic associated with the operation of such a warehouse facility. It will create a **Wildlife Exclusion Zone.**

010-11

In stark contrast to the released DEIR, our analysis indicates a significant impact on protected bird nesting, wildlife communication, wildlife movement, native plant seed dispersal and overall health of the environment. **Our conclusion: The proposed warehouse will irreversibly and forever destroy this unique and valuable wildlife corridor.**

010-12



Wanis View Preserve

The 77 acre Wanis View Preserve is a totally unique area in San Diego County and the City of Oceanside. It consists of a wide variety of ecosystems not found together anywhere else in the county in a single preserve: Riparian, Alkali Marsh, Alkali Meadow, Coastal Sage Scrub, FreshWater Marsh, Southern Willow Scrub, and Alkali Flats.

010-13

Recent photo of the Wanis View Preserve. One of the most beautiful and natural spots in the City of Oceanside.

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It is home to over 300 species of native birds, animals, plants, and insects and 22 rare, endangered and species of special interest. A list of species of special interest in San Diego County is shown in Appendix I.

A full list of native wildlife identified by our volunteers is available upon request. The preserve was started in 2002 as mitigation for the building of the nearby homes. **It has been an incredible success story**. Over 20 years of work by volunteers, restoration experts, and habitat managers as well as over \$1 million in direct costs has gone into the establishment of the preserve.

The Wildlife Corridor Concept:

In San Diego County, two large-scale, comprehensive conservation management plans, the Multiple Species Conservation Program (MSCP) Plan and the Multiple Habitat Conservation Program Plan (MHCP- adopted by SANDAG in 2004), are in place to conserve regional biodiversity by maintaining wildlife corridors and linkages. As far back as 1992, the City of Oceanside agreed to be part of this vision with the Natural Community Conservation Planning/Coastal Sage Scrub (NCCP/CSS) project. Among other things, the goal of this program is to conserve long-term viable populations of California's native animal and plant species, and their habitats, in landscape units large enough to ensure their continued existence. Wildlife corridor linkages are essential to promote biodiversity. In San Diego county, over the years we have lost some 95% of the Riparian (wetlands) areas and some 70% of the Coastal Sage Scrub areas. Potential locations for corridor linkages are increasingly hard to find.

Wanis View Preserve is an important component of the MHCP vision, providing habitat for many federal and state protected endangered birds, animals, reptiles, and plants. **This network is working!** For example, we now see the endangered Least Bell's Vireo and California Gnatcatcher in both the Wanis View Preserve and the SeaCliff Preserve (along the San Luis Rey River). This year (2023) was the first time this has been observed.

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010-13 Cont.

010-14

The current network of wildlife corridors encompasses over 2000 acres in North San Diego county (much of it in Oceanside). The contiguous border with Camp Pendleton and nearby Santa Margarita basin provides a rich interchange of wildlife to these vast areas. There are 1800+ acres of wildlife preserves northeast of Wanis View Preserve and another 200 acres of mainly riparian preserve southwest of

Wanis View Preserve. This freshwater riparian habitat is one of the most biodiverse ecosystems in Oceanside.

Our concern is easy to understand. This network of wildlife and its connection to the San Luis



Rey River and SeaCliff Preserve is threatened by the placement of the warehouse right at the choke point in the system! Ironically, the previous owner of the proposed warehouse site widened the nearby river many years ago, which as nature has recovered is now a viable wildlife area.

Birds migrating through the Pacific Flyway – a migratory bird passage that extends from the southernmost tip of South America along the Pacific Ocean, to the North Slope of Alaska – also rely on near-coastal areas like this 2000 acre network en route, providing critical habitats to these migratory birds as well as terrestrial species that may also migrate to the area in search of limited fresh water.

010-14 Cont.

010-15

010-16

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FreshWater Pelicans stopping over in Wanis View Preserve during their annual migration. (one of the largest birds in North America). This very spot where you see these amazing Pelicans will experience noise levels from the warehouse exceeding Caltrans criteria.

010-16 Cont.

010-17

The Wildlife Exclusion Zone:

We will focus on the noise here as it is amenable to quantitative analysis. The effects of traffic, movement, excess light(after sunset), and diesel exhaust are also important, but best handled by empirical methods—systematic data collection and analysis. The impact of 24-hour lighting at the site is especially problematic for wildlife and wildlife movement.

Many animals hear sounds with frequencies above and/or below the range of human hearing. It is assumed that animals in general have better hearing than humans. Not all animals respond the same way to similar sound sources, and not all individuals respond the same way within a species. Animal response to sound depends on a number of complex factors, including noise level and frequency, distance and event duration, frequency of noisy events over time, slope, topography, weather conditions, previous exposure to similar noises, hearing sensitivity, reproductive status, time of day, behavior during the noise event, and the animal's location relative to the noise source. Human produced noise interferes with animal communication, mating behavior, foraging behavior, and spatial orientation on land and in aquatic ecosystems. Indirect impacts on wildlife species, including increased stress, weakened immune systems, displacement due to startle, degraded communication with conspecifics (e.g., masking), damaged hearing from extremely loud noises, and increased vulnerability to predators

Different species exhibit different hearing ranges, so appropriate noise metrics and frequency ratings should be used when possible. For in-depth noise studies and

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hearing assessments, noise must be measured in a way that meaningfully correlates with the target species response

Low frequency Noise (LFN):

The released DEIR is based on broadband A-weighted noise indicators. Over the past 50 years, the A-weighted sound pressure level (dB(A)) has become the major measurement descriptor used in noise assessment. This is despite the fact that many studies have shown that the use of the A-weighting curve underestimates the role that LFN plays in loudness perception, annoyance, and speech intelligibility. The de-emphasizing of LFN content by A-weighting can also lead to an underestimation of the exposure risk of some physical and psychological effects that have been associated with low frequency noise. As a result of this reliance on dB(A) measurements, there is a lack of importance placed on minimizing LFN impacts. A more complete picture and better correlation with annoyance and health effects may result from indicators that include temporal aspects and frequency character.

When prominent low-frequency noise components are present, noise measurements based on A-weighting are inappropriate. A-weighting has the effect of reducing measured levels of low and very high frequencies, but has less filtering effect on most mid-range sound frequencies where speech and communication are important. The firing rate of many diesel engines is usually below 100 Hz, so categories of road vehicle noise can be regarded as low frequency.

In addition to the commonly understood effects of excess noise on wildlife, there can be some unexpected issues. One example: the most sensitive bird species in our area- Least Bell's Vireo, California Gnatcatcher, and Southwestern Flycatcher are all under threat due to parasitism by invasive Cowbirds. The only means to control the Cowbirds is the use of traps that are placed all along the San Luis Rey River. The trapping mechanism utilized relies on Cowbird hearing other Cowbirds in the traps (they are very gregarious). **This may not work with a noisy warehouse nearby**.

Caltrans guidelines recommend noise levels below 60 dBa for wildlife areas. In reality, no increase in noise levels (sound intensity above ambient level 55 dBa day/45dBa night) should be allowed since it will affect the wildlife ecosystem.

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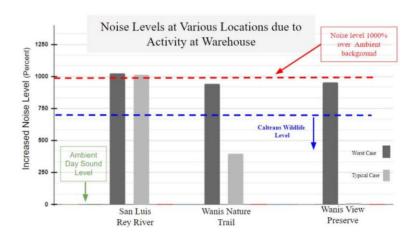
7

010-18 Cont.

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Simple Calculation: A single diesel Class 8 truck accelerating on the warehouse site. Noise level in the River area: 890% louder than background level. Of course, the actual operation of the warehouse is more complicated than a single truck, but this result alone raises serious concerns.

First principles calculation. Because of the importance of this issue, we have carried out extensive, first-principles calculations of the noise level resulting from warehouse operations. We look at two cases with the calculations and assumptions shown in Appendix II. Note: these results do not include all potential noise sources. The results of the calculations are shown in the figure below. The "Worst Case" and "Typical Case" operations of the warehouse are shown for specific locations of interest. The Caltrans guideline is shown as the dotted blue line. The dotted red line is the noise level corresponding to 1000% higher than background levels.



This is the **Wildlife exclusion zone.** High noise levels extending into the wildlife corridor (San Luis Rey River-Wanis intersection). In the Worst Case analysis, this zone will extend over 3000 feet from the warehouse. As the birds and other wildlife are pushed away so will seed dispersal of native plants, insect habitats, and reptiles. The result: the **wildlife corridor is effectively blocked.**

010-19

010-18 Cont.

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The figure below shows the large-scale magnitude of the warehouse project. Currently, we have an effective network of wildlife preserves (six separate-connected preserves) with communication throughout the area. In addition, there is a considerable confluence with the Santa Margarita Basin (Camp Pendleton)- a very rich biodiverse region. Of salient note is that the warehouse will isolate the bulk of wildlife areas from the rare and essential Riparian ecosystems of Wanis View Preserve, San Luis Rey River, and the Seacliff Preserve.



The warehouse could not be in a worse location!

Recent Key Discoveries in Wanis View Wildlife Preserve.

We have a very active restoration program in the Wanis View Preserve with over 20 skilled volunteers. Information/observations are being collected on a wide range of plant and animal life. Two of the species below (Badger, mountain Lion) require large wildlife ranges and nicely illustrate the Wildlife Corridor concept. Five recent, very exciting observations are:

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010-20

010-21



The American badger (Taxidea taxus) is a unique and iconic mammal that acts as an umbrella species for a large suite of animal species that occupy conserved habitats. Their very large home ranges make them uniquely suitable for use in assessing connectivity of grasslands and uplands. Badgers are

a covered species under the San Diego Multiple Species Conservation Plan (MSCP) (quote from USGS 2015 study). We have seen signs of badgers in the Wanis View Wildlife Preserve (burrows, tracks). Stock photo from the USGS website

Pacific Pocket Mouse (PPM)(Perognathus longimembris pacificus). Pacific pocket mice used to be found from Los Angeles all the way to the Mexican border at the southern edge of San Diego County. For 20 years, they were actually thought to be extinct until a tiny remnant population was rediscovered in 1993 at Dana Point headlands. Unfortunately, due to habitat loss there are only three small populations remaining, one on Dana Point and two in military training areas on Marine Corps Base Camp Pendleton. (quote from San Diego Zoo). This is a Federally listed endangered species and one of the rarest mammals in North America.

This would be the first time they have been observed in San Diego county in over 50 years! In our 2024 Plan– a world's expert on this mouse, Mark Pavelka, will survey/ trap for PPM in the Wanis View Preserve.



Stock Photo from US Fish and Wildlife Service.Source Public Domain

Size: 4-6 inches from nose to tip of tail. Less than ½ ounce in weight. We have **two possible visual observations by two people** of PPM in the Wanis View Preserve. (2022 and 2023)

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010-21 Cont. We have also seen the soil characteristics and plants (Coastal Sage Scrub) associated with the PPM in the Preserve. Such as the Croton Setiger plant shown on the right.



California Gnatcatcher Polioptila californica



Endangered. The small amount of remaining habitat in California is being rapidly turned into housing developments. Nesting attempts often fail, partly because of cowbird parasitism. Habitat: Coastal sage scrub. In limited range on the California coast, found only in coastal sage scrub. This is a habitat of low shrubs (mostly 3-6' tall), generally dominated by California sagebrush, buckwheat, salvia, and

prickly-pear cactus. (confirmed sighting by Habitat Manager San Diego Habitat Conservancy) (text and photo from Audubon Society)

Mountain lion (Puma concolor). Also known as a cougar, panther or puma, is tawny-colored with black-tipped ears and tail. Their kittens, or cubs, are covered with blackish-brown spots with dark rings around their tails. The markings fade as they mature. Mountain lions usually hunt alone, at night. **(two sightings by one person)**

Least Bell's Vireo— the Least Bell's Vireo of California and Baja California, is listed as federally endangered, primarily from loss of riparian habitat and cowbird brood parasitism. This subspecies continues to decline throughout its range. At the species level, agriculture, urbanization, wildfires, firewood cutting, grazing, flood control projects, and reservoir construction have reduced available habitat,

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010-21 Cont.

| especially in streamside habitats. (detected by song in the Wanis View Preserve- audio recorded on many occasions) | 010-21 Cont. |
|---|-----------------|
| Importance of mitigation | Ī |
| Ideally, some other use can be found for this property that will not generate the noise, light, and disturbance that a truck warehouse will if constructed. | |
| If the proposed warehouse project is approved, it will have a substantial adverse impact on the sensitive natural community unless some form of mitigation is undertaken. City of Oceanside's Draft Final Subarea Habitat Conservation Plan (SAP) calls for mitigation in cases like this for when sensitive land is lost by a project. In the current case, some creativity is needed in that we are not as much concerned about sensitive land being lost as we are concerned that a critical linkage, wildlife corridor will be destroyed. | 010-22 |
| Some Proposed Remedies: | T |
| Require as mitigation, the warehouse project owner to restore and maintain nearby City property to enlarge the connection between the network of wildlife areas and the San Luis Rey River (see below for a proposed area). This is not a perfect solution, but would at least be a positive step in maintaining the wildlife corridor. | 010-23 |
| Warehouse orientation. The current layout of the proposed warehouse is essentially the "worst case" scenario. Project should consider an operational layout in which trucks mostly move perpendicular to the river basin. (cylindrical wave physics) | 010-24 |
| 3. Starting in Spring 2024, an extensive search program including traps and electronic detection is planned for the Wanis View Preserve for the detection of the Pacific Pocket Mouse (PPM). This will be conducted by one of the World's experts in this rare mammal– Mark Pavelka. Work on the warehouse should not be started until this program has been completed. If it | 010-25 |
| Wildlife Opposition to Warehouse Project 12 | |

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is determined the PPM is present here, additional safeguards on construction and operation may be needed to allow for continued PPM habitation

010-25 Cont.

 Propose an alternate plan to deal with Cowbird parasitism of endangered birds in the area. (beyond normal traps). 010-26

Proposed area for mitigation to be funded and maintained by warehouse project owner (in perpetuity) outlined in blue. This land is owned by the City of Oceanside and consists of non-native plants, weeds and degraded soil—very little native species. It is currently not effective as a plant or animal corridor. Converting this to a native area may help move the



010-27

essential wildlife corridor away from the proposed warehouse site location (red)

The report was prepared by Wanis View Wildlife Preserve Volunteers.

For more information contact:

Michael Tenhover Tenhover protonmail.com

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Appendix I- List of Species of Special Interest in Wanis View Preserve

| | Common Name | Scientific name | Comment |
|----|----------------------------|---------------------------------------|---|
| 1 | American Badger | Taxidea taxus | Survey in process |
| 2 | Arroyo Toad | Anaxyrus californicus | confirmed |
| 3 | Belding's whiptail | Aspidoscelis hyperythra | confirmed |
| 4 | California Gnatcatcher | Polioptila californica | confirmed |
| 5 | California Mule Deer | Odocoileus hemionus fuliginata | confirmed |
| | Canada Goose | Branta canadensis | confirmed |
| 6 | Coast Horned lizard | Phrynosoma coronatum blainvillii | confirmed |
| 7 | Cooper's Hawk | Accipiter cooperii | confirmed |
| 8 | Cougar (Puma) | Puma concolor | confirmed |
| 9 | Engelmann Oak | Quercus engelmannii, | confirmed |
| 10 | Least Bell's Vireo | Vireo bellii pusillus | confirmed |
| 11 | Northern Harrier | Circus cyaneus | confirmed |
| 12 | Pacific Pocket Mouse | Perognathus longimembris pacificus | Two possible sightings, survey scheduled spring 2024 |
| 13 | Peregrine Falcon | alco peregrinus | confirmed |
| 14 | Red Diamond Rattlesnake | Crotalus ruber | confirmed |
| 15 | Red-shouldered Hawk | Buteo lineatus | confirmed |

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| 16 | San Diego Ambrosia | Ambrosia pumila | confirmed |
|----|--------------------|--------------------|-----------|
| 17 | Shaw's Agave | Agave shawii | confirmed |
| 18 | Sticky Dudleya | Dudleya viscida | confirmed |
| 19 | Torrey Pine | Pinus torreyana | confirmed |
| 20 | White faced Ibis | Plegadis chihi | confirmed |
| 21 | White-tailed Kite | Elanus leucurus | confirmed |
| 22 | Yellow warbler | Setophaga petechia | confirmed |

010-29 Cont.

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Appendix II. Calculation of Noise Levels.

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

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

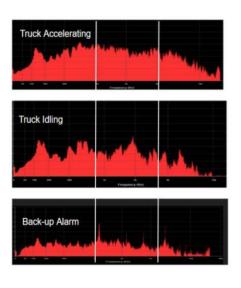
| Source | Sounds Level (dBa) at 50 feet | |
|-------------------------------------|-------------------------------|--|
| Truck Idle | 80-96 | |
| Truck accelerating | 90 | |
| Engine Noise 78 | | |
| Exhaust Noise | 88 | |
| Low speed truck movement | 88 | |
| Compressors/exhaust 95 fans/HVAC | | |
| Trailer Refrigeration Units | 96-104 | |
| Back-up alarms | 80 | |

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Frequency Spectrum of sounds produced in a diesel truck warehouse

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

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

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

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

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

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

event occurs, and ai and ai are phases of signal components.

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

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010-30 Cont.

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

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

Two Cases Considered:

Worst Case— assumptions and rationale.

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

Typical Case– assumptions and rationale.

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

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010-30 Cont. <u>Calculation Details</u>: The starting point for the calculations is solving the standard wave equation:

$$abla^2 p - rac{1}{c^2} rac{\partial^2 p}{\partial t^2} = 0$$
 In which p is the acoustic pressure, c is the propagation speed , t is time.

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

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

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

| Location | Distance (feet) | Calculated Noise Level Increase |
|---------------------|--------------------|------------------------------------|
| River | 340 | 1012% |
| Wanis Nature Trail | 1179 | 398% |
| Wanis View Preserve | 1790 | 0% |

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Confirmation of Methodology used in this analysis.

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

010-30 Cont.

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

Measurement-Calculated values are within 8%.

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References:

The San Diego Multiple Habitat Conservation Program (MHCP) City of Oceanside Sub Area Plan (SAP) establishes the management policies, objectives and standards necessary to assure compliance of new development projects with both the California Natural Community Conservation Act (NCCP Act) and U.S. Endangered Species Act (FESA). Approval and adoption of the SAP is intended to allow issuance of Federal and State permits for the take of certain listed rare, threatened, and endangered species.

Caltrans: Masking of communication signals and other biologically relevant sounds: Many laboratory masking studies show precisely the effect of continuous noise (including traffic noise) on sound detection in over a dozen species of birds. In one sense, these studies describe a sort of "worst case" scenario because the noise is continuous and the myriad of short term adaptive behavioral responses for mitigating the effects of noise are not available to the bird in a laboratory test situation. Since the 60 dB(A) criterion was developed, however, highly controlled laboratory and field studies have extended the range of species differences in signal-to-noise ratios as well as the gain in signal-to-noise ratio that occurs with various short-term, adaptive behavioral responses that birds might use in natural environments. Critical ratios vary across species as much as 10 dB, strongly suggesting that acoustic communication in some species might be affected by an overall highway noise level even less than 60 dB(A), while others would not.

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Effects of Off-Road Vehicle Noise on Desert Vertebrates Brattstrom and Bondello 1983, Biology

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"Sound Control Requirements." May. 2009 Technical Noise Supplement. October. Sacramento, CA: Environmental Program, Noise, Air Quality, and Hazardous Waste Management Office. Sacramento, CA.

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Trucks, noise, odors: Here's what it's really like to live next to N.J. warehouses, residents say nj.com May. 12, 2023, 4:15 p.m. |

Opening a Large Delivery Service Warehouse in the South Bronx: Impacts on Traffic, Air Pollution, and Noise Jenni A. Shearston 1, A. Mychal Johnson 2, Arce Domingo-Relloso 1, Marianthi-Anna Kioumourtzoglou 1, Diana Hernández. International Journal of Environmental Research and Public Health

Light pollution in complex ecological Systems. Hirt MR, Evans DM, MillerCR, Ryser R. 2023

Noise Pollution Changes Avian Communities and Species Interactions Clinton D. Francis Catherine P. Ortega Alexander Cruz Current Biology Volume 19, Issue 16

Behavioral Ecology (2015), 26(2), 569–577. doi:10.1093/beheco/aru232 Impact of chronic noise exposure on antipredator behavior: an experiment in breeding house sparrowsAlizée Meillère, François Brischoux, and Frédéric Angelier

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010-31 Cont.

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The report was prepared by Wanis View Wildlife Preserve Volunteers.

For more information contact:

Michael Tenhover Tenhover@protonmail.com

Wildlife Opposition to Warehouse Project

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Response to Comment Letter O10

Wanis View Wildlife Preserve Volunteers Michael Tenhover No Date

- O10-1 This comment serves as an introduction to comments that follow and provides a table of contents for the comment letter. The comment does not identify specific areas where the DEIR is inadequate; therefore, no further response is required.
- O10-2 This comment serves as an introduction to comments that follow. The comment does not identify any specific issues with the adequacy of the DEIR that will not be addressed in subsequent responses; therefore, no further response is required.
- O10-3 The comment states that the DEIR does not mention the Wanis View Preserve and what the author indicates are the number of plant and animal species within the preserve. Section 4.3.1.1, Methodology, of DEIR Section 4.3, Biological Resources, outlines the methods used to analyze biological resources in the region. This includes, among other methods, an analysis of habitat and species that could potentially occur within the San Luis Rey 7.5-minute quadrangle and the surrounding seven quadrangles. Though not specifically introduced, the review area does include the Wanis View Preserve; therefore, no further action is required.
- This comment claims that the DEIR simplifies ecosystems and wildlife corridors analysis and that surveys were done quickly only looking at land that had been "recently disturbed." As stated in Section 4.3.1 of the DEIR, the existing site is composed of approximately 31.79 gross acres. It is currently vacant but was previously occupied by a 172,300-square-foot vacant industrial manufacturing facility and associated amenities including paved roads and parking, picnic tables, barbeque areas, a basketball and tennis court, and associated infrastructure and landscaping. The previous industrial building was vacated in the summer of 2021 and demolished in 2022. Therefore, the commenter's statement that the completed surveys only looked at land that had been "recently disturbed" is inaccurate since the site has been developed since 1966.

Field surveys were completed within the property and survey limitations are acknowledged in Appendix C, Biological Technical Report, of the DEIR. Field survey methods and areas surveyed were consistent with federal, state, and local guidelines. Survey methods completed for the project site are described in Section 3 of Appendix C. As shown in Section 3.2 of Appendix C, biological surveys of the site were completed in August 2021, June 2022, and July 2022. The project site proposed to be developed is located within previously developed land. Due to the disturbed nature of the project site from this previous development, only disturbed and developed lands were found within the project site boundaries. Nonetheless, Section 4.3.1 of the DEIR describes the special-status species within 7 quadrangles (CNDDB) and 5 miles (USFWS) in order to analyze species that may occur in the vicinity.

DEIR Section 4.3.1 and BTR Section 2 both address wildlife corridors, biological core, and linkage areas. The project site is not located within a Biological Core and Linkage Area identified in the North County MHCP since it is located outside the San Luis Rey River. The project site is not located within a hardline or softline preserve. The project site is located within the WCPZ designated by the Subarea Plan; however, the site does not contain the necessary habitat for coastal California gnatcatcher and

would not serve as a steppingstone for dispersing coastal California gnatcatcher. Therefore, as discussed and disclosed in the DEIR, impacts to wildlife corridors and habitat linkages would be less than significant and no further action is required.

010-5 The comment states the analysis of noise impacts is inadequate for wildlife issues and that low frequency noise is ignored and needs to be addressed and resolved. Section 4.3.2 of the DEIR addresses all federal, state, and local regulations. The DEIR and BTR provide MM-BIO-1, which requires that a nesting bird survey be conducted within the limits of grading plus a 500-foot buffer within 72 hours prior to construction activities. 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 shall be provided to the construction supervisor and any personnel working near the nest. Active nests will have appropriate buffers established around them by the project biologist who shall serve as a construction monitor during those periods when construction activities occur near active nest areas to avoid inadvertent impacts to these nests. Additionally, there is a levee to the north of the project site, just south of the San Luis Rey River, and a proposed flood wall that would surround the project site. The proposed landscaping, floodwall, and existing levee would reduce operational noise. All federal, state, and local noise requirements regarding wildlife species would be adhered to. Please refer to Response to Comment A4-8 for additional information on modeled noise levels. With respect to project operation. Appendix D from the Noise Tech Report (DEIR Appendix H) displays predicted aggregate noise levels that are less than 60 dBA at the northern project boundary adjoining the riparian open space, which would be compliant with thresholds arithmetically calculated from Section 38.12.c of the City's Municipal Code.

O10-6 The comment claims that the DEIR ignores American badger and Pacific pocket mouse surveys. Section 4.3.1.1 details the methods used to determine the presence or potential presence of sensitive species within the project area, including the species mentioned in the comment. Through these methods, it was determined that American badger has a low potential to occur and Pacific pocket mouse is not expected to occur. Details for the determinations of both species can be found in Appendix D, Special-Status Wildlife Species Potential to Occur within the Biological Study Area, of DEIR Appendix C, Biological Technical Report. Given those expert determinations, no further action is required.

010-7 The comment claims that operations following the completion of the proposed project would have irreversible noise and light damage to wildlife in the area and that no mitigation measures are proposed in the DEIR. As outlined in Section 4.1 of the EIR, although the proposed project would result in new sources of light in the area, the project site is in an urbanized area and is surrounded by existing development with existing sources of day and nighttime lighting, including the Oceanside Municipal Airport, immediately adjacent to the project's southern boundary. Additionally, project lighting features would consist of energy-efficient lighting that would be fully shielded and directed downward to minimize light trespass onto surrounding properties, as all outdoor lighting must meet requirements outlined in Chapter 39 of the City Municipal Code (light pollution ordinance) requiring appropriate shielding of outdoor lighting. Contrary to the comment, potential lighting-related impacts to biological resources were identified in Section 4.3 of the DEIR (Impact BIO-10), resulting in several mitigation measures that are identified in the DEIR (MM-BIO-1 through MM-BIO-4). In addition, implementation of MM-BIO-1, MM-BIO-2, and MM-BIO-3, provided in Section 4.3.5, would ensure that any potentially significant impacts associated with the project stay within the designated development footprint and would also require nesting bird surveys and avoidance buffers to ensure that project construction noise does not disrupt bird nesting. Furthermore, there are two levees, one on either side of the San Luis Rey River, a flood wall proposed as part of the project along the project perimeter, and a housing development located north of the project site and south of the Wanis View Wildlife Preserve. These would all act as additional noise buffers/protections from potential long-term noise from the operation of the warehouse for wildlife in the Wanis View Wildlife Preserve. Predicted project operations noise levels are expected to be compliant with applicable limits per Section 38.12.c of the City's Municipal Code for the receiving open space north of the project industrial-zoned land.

- This comment describes the Wanis View Wildlife Preserve Volunteers' mission. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- O10-9 This comment describes the Wanis View Wildlife Preserve Volunteers as volunteers and nearby homeowners connected to the Wanis View Preserve, The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- 010-10 The comment expresses a general opinion about the quality of the DEIR's analysis and offers a statement about the Wanis View Preserve. In response, the DEIR's analysis of impacts follows CEQA guidelines, which were used to determine the level of significance a potential project impact may pose and, where applicable, mitigation measures to reduce any identified impact. As disclosed in Response to Comment 010-3, the Wanis View Preserve was included in that analysis where appropriate. For example, DEIR Section 4.3, Biological Resources, analyzed potential impacts to wildlife corridors. As outlined in DEIR Section 4.3, "The site has been previously developed and consists of disturbed habitat and urban/developed land. The previous development prevented the site from serving as a movement corridor. The adjacent San Luis Rey River provides for regional wildlife movement. In addition, the project site does not contain the necessary habitat for coastal California gnatcatcher and does not serve as a steppingstone for dispersing coastal California gnatcatchers. Therefore, the project 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; direct impacts would be less than significant." In addition, cumulative impacts were addressed in DEIR Chapter 6, Cumulative Impacts.
- O10-11 The comment states an opinion about the project's proximity to the Wanis View Preserve and that the commenter has concerns about project noise, light, and traffic from the project creating a wildlife exclusion zone. In response, please see Responses to Comments 03-5, 010-5, 010-7, and 010-10.
- O10-12 The comment states the author's opinion that the project would have a significant impact on protected bird nesting, wildlife communication, wildlife movement, native plant seed dispersal, and overall health of the Wanis View Preserve. In response, please see Responses to Comments 03-5, 010-5, 010-7, and 010-10.
- O10-13 The comment describes the Wanis View Preserve area and provides a photo of the preserve. The comment provides a list of species of special interest in San Diego County. The comment does not raise any specific issues related to the adequacy of the DEIR; therefore, no further response is required.
- O10-14 This comment offers a description of conservation management plans in San Diego County, including the MSCP and the MHCP, as well as the NCCP. The comment asserts that the Wanis View Preserve is an important component of the MHCP. In response, Section 4.3 of the DEIR describes the biological

regulatory setting of the project site. As analyzed in Section 4.3, no adopted or approved habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plans apply to the project. Consistent with City policy, the DEIR assesses the proposed project for consistency with the Subarea Plan. As required by Section 5.2.4 of the Subarea Plan (City of Oceanside 2010), the proposed project would include a 100-foot biological buffer from the adjacent San Luis Rey River to ensure that the project would not result in undesirable edge effects. Lighting would be directed down and away from the San Luis Rey River. These design features are consistent with the Draft Subarea Plan; therefore, the project is in compliance with the Subarea Plan. In accordance with Section 5.2.8 of the Subarea Plan (City of Oceanside 2010), implementation of MM-BIO-1 through MM-BIO-4, outlined in Section 4.3 of the DEIR, would further ensure compliance with the Subarea Plan. Therefore, with implementation of proposed mitigation described in Section 4.3 of the DEIR, it was determined that project implementation would not conflict with an applicable conservation plan and impacts would be less than significant. Furthermore, the project would include Project Design Features, as included in Chapter 3 of the Final EIR, that address the California Department of Justice Warehouse Project Best Practices (refer to Response to Comment 05-29). This comment does not raise any specific issue related to the adequacy of the DEIR, and therefore, no further response is required.

- O10-15 The comment explains the author's opinion that the project location would threaten the network of wildlife and connection to the San Luis Rey River and SeaCliff Preserve. In response, please refer to Responses to Comment 010-10 and 010-14.
- O10-16 The comment states that birds migrating through the Pacific Flyway rely on near-coastal areas like the Wanis View Preserve. The comment provides a photo of birds identified as fresh water pelicans at the Wanis View Preserve during their annual migration and argues such birds would experience noise levels from the proposed project that exceed Caltrans criteria. In response, as described in Section 4.3 of the DEIR, the site has been previously developed with an industrial building and consists of disturbed habitat and urban/developed land. The previous development on site and the immediately adjacent Oceanside Municipal Airport already prevent the site from serving as a movement corridor. The adjacent San Luis Rey River provides for regional wildlife movement. As the DEIR analysis discloses, the project 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. Therefore, it was determined that direct impacts of the project would be less than significant.

Potential indirect short-term and long-term impacts of the project would be addressed through implementation of MM-BIO-1 through MM-BIO-4, which would reduce potential impacts to wildlife movement to a less than significant level. Regarding noise, the commenter incorrectly states that project-related noise would exceed Caltrans criteria. As analyzed in Section 4.11 of the DEIR, project impacts related to noise were determined to be less than significant without mitigation. Additionally, as outlined in Response to Comment A4-8, additional noise modeling was run, and it found that the predicted construction noise does not exceed 60.0 dB hourly $L_{\rm eq}$ within 500 feet of the edge of the riparian habitat. Long-term operational noise was found to not result in readily perceptible increases in traffic noise. Combined estimated on-site noise emissions were found to be 52 dBA hourly $L_{\rm eq}$ for the industrial zones and 41 dBA hourly $L_{\rm eq}$ for residential zones, both of which are lower than applicable noise standards.

- O10-17 The comment offers a general statement about the methodology that the author asserts they used to reach conclusions about impacts from project noise, traffic, pollution emissions, and lighting on wildlife and wildlife movement. The comment does not raise any specific issues regarding the adequacy of the DEIR, and no further response is required.
- O10-18 The comment provides a discussion of noise frequencies and wildlife impacts. The comment claims that non-native cowbird trapping in the San Luis Rey River area may not work due to noise from the completion of the proposed project and offers calculations for increased noise level percentages.

The commentor's analysis includes a list of references, but citations are not readily apparent in the analysis narrative. Additionally, the commentor's analysis appears to rely on percentages with respect to alleged noise increases in lieu of the more commonly accepted usage of decibels. Per Section 7.8 of the 2013 Caltrans Technical Noise Supplement ("TeNS"): "The hearing frequency response to noise is also different in each species. For example the hearing range for humans is 20 to 20kHz whereas the hearing range for bats is 10 Hz to 200 kHz and the range for birds is 1KHz to 5KHz." Because this stated hearing range for birds is a narrow portion of human hearing response and much higher than the LFN range, significant LFN impacts are not anticipated.

While the City appreciates the studies referenced, the analysis and determinations included in the DEIR are based on all currently applicable noise standards, and mitigation requirements pursuant to federal, state, and local regulations will be followed. There are currently no requirements for mitigation for low frequency noise impacts to wildlife; therefore, no further action is required.

- O10-19 The comment claims that the high noise levels near the San Luis Rey River could create a wildlife exclusion zone. The comment does not provide the requisite evidence to support the opinions offered. As the DEIR's noise analysis demonstrates, the project would not have significant, adverse noise impacts on biological resources. The proposed project is effectively a redevelopment project since the site was previously developed with an industrial use building that produced operational noise. Please refer to Response to Comment 010-5, which describes that the proposed project's landscape plans show plantings that include trees and large shrubs of varying heights. The proposed plantings, flood wall, and existing levee would help to block operational noise. Please also refer to Responses to Comments 010-10 and 010-18.
- O10-20 The comment provides a map and description of wildlife preserves in the area based on the unsupported premise that the project would cause a wildlife exclusion zone to develop and states that the proposed project location could not be in a worse area. Please refer to Responses to Comments O10-10 and O10-19. The project is consistent with the City's zoning and General Plan land use designation for the site. Additionally, the project is adjacent to other industrial uses and immediately adjacent to the operating Oceanside Municipal Airport. The comment does not raise any specific issues regarding the adequacy of the DEIR, and no further response is required.
- O10-21 The comment indicates that volunteers with the Wanis View Wildlife Preserve may have seen American badger, Pacific pocket mouse, California gnatcatcher, mountain lion, and least Bell's vireo in the preserve. Appendix C to the DEIR includes an analysis of all special-status species documented in the vicinity of the project. CNDDB records within the San Luis Rey 7.5-minute quadrangle and the surrounding seven quadrangles and USFWS occurrence data within 5 miles of the site were reviewed. American badger, Pacific pocket mouse, California gnatcatcher, and least Bell's vireo were included in

these records; their potentials to occur within the project area are described in Appendix D, Special-Status Wildlife Species Potential to Occur within the Biological Study Area, of Appendix C to the DEIR. There were no mountain lion records within this search range. If mountain lions are using the San Luis Rey River in this area for movement, the impacts from the proposed project would be the same for mountain lion as for the other species that can occur in the river. The project would not impact the river corridor. The proposed project landscaping, flood wall, and existing levee would help block operational noise, allowing wildlife species to use the river as they have in this area without the project, especially given the decades of use of the project site as a manufacturing facility and the residential areas surrounding the river. The comment does not raise any specific concerns with the adequacy of the DEIR, and no further response is required.

- The comment expresses an opinion that the project will result in substantial impacts to natural resources and that mitigation is required. The DEIR analysis, including the discussion of the project's consistency with the Draft Subarea Plan (SAP), discloses that the project has the potential to result in significant impacts. Section 4.3 of the DEIR presents MM-BIO-1 through MM-BIO-4, which will be established in adherence with the City of Oceanside's SAP and other applicable requirements. The DEIR demonstrates that the project with imposition of the mitigation would result in less than significant impacts to plant and wildlife species. Furthermore, per Section 5.2.4 of the SAP, a 100-foot biological buffer will be established between the proposed project development and the San Luis Rey River to minimize long-term impacts to sensitive species and habitats; therefore, no further action is required.
- O10-23 The comment offers a suggestion for mitigation but does not explain why the author is of the opinion that the project must "restore and maintain City property" to mitigate project impacts. As the DEIR demonstrates, all required biological mitigation has been addressed through MM-BIO-1 through MM-BIO-4 in the EIR and BTR. No further mitigation is required to reduce biological –related project impacts to less than significant.
- O10-24 The comment offers a suggestion for warehouse orientation and layout. Please refer to Thematic Response 8. The comment does not raise any specific issues regarding the adequacy of the DEIR, and no further response is required.
- O10-25 The comment states that the Wanis View Preserve will conduct a Pacific pocket mouse detection program in spring 2024 on the Wanis View Preserve and suggests work on the warehouse should not be started until the trapping program is complete. See Response to Comment 010-6 regarding the project and the Pacific pocket mouse. However, this comment is noted for the record. The comment does not raise any specific issues regarding the adequacy of the DEIR, and no further response is required.
- O10-26 This comment suggests the proposed project should propose an alternate cowbird suppression plan. The comment does not raise any specific issues regarding the adequacy of the DEIR. Please refer to Responses to Comments A4-8, A4-20, and A4-21.
- O10-27 This comment provides a map and description of the City land mentioned in Comment O10-23. Please see Response to Comment O10-23. However, the comment is noted for the record. The comment does not raise any specific issues regarding the adequacy of the DEIR, and no further response is required.
- O10-28 This comment provides who the report was prepared by and whom to contact for more information. The comment is noted for the record.

- O10-29 This comment is an appendix (Appendix I) to the letter and includes a list from an unknown source of species of special interest to the off-site Wanis View Preserve and a comment column. The comment is noted for the record. The comment does not raise any specific issues regarding the adequacy of the DEIR, and no further response is required.
- O10-30 This comment is an appendix (Appendix II) to the letter entitled "Calculations of Noise Levels." This comment includes information on sound levels (dBA) from unspecified sources, "Two Considered Cases" that appear to be noise analyses performed by the author, and opinions offered in response to those analyses. In response, the Noise Technical Report prepared for the project (Appendix H to the DEIR) was prepared based on applicable noise regulations and the noise analysis significance thresholds in Appendix G of the CEQA Guidelines.
- **010-31** This comment provides a list of references. No response is required.

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Comment Letter 011

January 10, 2024

Advocates for the Environment

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



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

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

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

Dear Mr. Dmohowski:

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

011-1

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

011-2

The City Should Require the Project to be Net-Zero

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

011-3

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

011-4

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

011-5

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

GHG Significance Analysis

011-6

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

0117

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

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Consistency with the CAP Checklist

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

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

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

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

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

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

O11-8
O11-9
O11-10

011-12

011-11

011-13

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

↑ 011-3 Cont.

Inconsistency with Applicable Plans

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

011-14

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

011-15

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

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

011-16

When a lead agency makes an estimate for project emissions, it should carefully and completely demonstrate the that the emissions outputs from the model are consistent with the analysis in the EIR, to be accurate and not misleading about the GHG impact of the Project. Here, however, the CalEEMod overall outputs do not fully align with the information in the EIR. CalEEMod was run in three different runs: (1) Annual, (Operational emissions of approximately 8,142); (2) Summer (Operational emissions of approximately 31,178 MTCO2e); and (3) Winter (Operational emissions of approximately 30,442 MTCO2e). (Appendix B.)

011-17

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 dw@aenv.org

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Notably, the operational emissions estimate included in the EIR is a much lower number of 7141.86 (subtracting amortized construction emissions), which the City claimed was from CalEEMod calculations, but does not align with the CalEEMod outputs included in Appendix B. It is not clear how this quantification was reached. The "Winter" and "Summer" CalEEMod runs were not included in the totals or mentioned in the EIR at all. There is also no indication of why the CalEEMod outputs for Winter and Summer are each more than four times the amount of the estimate reported in the EIR. Nor did the City discuss why it omitted these outputs from the EIR, which are much higher than the estimate that the City used for its significance analysis. This is confusing, misleading, and not supported by substantial evidence.

011-18

Conclusion

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

011-19

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

Sincerely,

Dean Wallraff, Attorney at La

Executive Director, Advocates for the Environment

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Page 5 of 5 in Comment Letter O11

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Response to Comment Letter O11

Advocates for the Environment Dean Wallraff January 10, 2024

- O11-1 This comment serves as an introduction and describes the project site location and proposed development. The comment does not identify specific areas where the EIR is inadequate; therefore, no further response is required.
- O11-2 This comment introduces the commenter and serves as an introduction to comments that follow. The comment does not identify specific areas where the EIR is inadequate; therefore, no further response is required.
- This comment offers a position regarding global GHG emissions from developments and the relationship to climate change. The comment references a state policy goal of achieving carbon neutrality by 2045 and offers an opinion that it would be economically unsound to construct new buildings that are not net zero. CEQA does not address the economic issue raised in the comment. Further, lead agencies under CEQA are not directed to use net zero as the threshold of significance, but are instead vested with the discretion to determine appropriate significance determination/ threshold recommended by the applicable air district or other lead agencies (CARB 2022). The 2022 CARB Scoping Plan Appendix D acknowledges that net zero may not be feasible or appropriate for every project (CARB 2022). As discussed in in the DEIR, the City formally approved the CAP Consistency Checklist to determine significance in accordance with CEQA Guidelines Section 15183.5; therefore, the CAP Consistency Checklist was used to evaluate the proposed project's significance with respect to GHG emissions. The project demonstrates consistency with the CAP Checklist; therefore, no revisions are required, and no further response is necessary.
- The comment mentions two projects in central California that the author says were conditioned to achieve net zero GHG emissions and recommends the project achieve net zero. The comment fails to acknowledge that the DEIR demonstrates that the project as proposed would have less than significant GHG impacts. Thus, the comment's suggestions are not based on CEQA compliance. The comment also fails to acknowledge that the large-scale, greenfield, planned developments referenced by the commenter are not comparable to the infill project; the project is consistent with the existing general plan and zoning designations of the site as industrial and would be replacing an existing, less GHG efficient manufacturing use that existed for decades.
- O11-5 The commenter suggests the City should apply net zero as the GHG significance threshold for this project. Under CEQA, local jurisdictions can establish their own significance thresholds for GHG emissions impacts. As described in the City of Oceanside Climate Action Plan (CAP), the City has developed the CEQA GHG significance threshold through the formal process identified in CEQA. With the adoption of the Climate Action Plan (CAP) and subsequent guidance, the City of Oceanside

committed to measures designed to reduce local greenhouse gas (GHG) emissions in a manner consistent with the following:

- Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used to demonstrate that the City is aligned with state goals for reducing GHG emissions to a level considered less than cumulatively considerable.
- Meeting CEQA Requirements—CEQA requires impacts from GHG emissions to be reviewed for discretionary projects (such as proposed development projects). The CAP serves as a Qualified GHG Reduction Strategy consistent with CEQA Guidelines. Environmental review will be simplified, and future development within Oceanside that is consistent with the guidance contained in the CAP would not substantially contribute to global climate change.

Please see Responses to Comments 05-7, 09-90, and 09-104 through 09-107 for a further discussion of the City's GHG significance threshold, the role of the CAP Consistency Checklist, and the function of the City's population-based efficiency metric. As the DEIR demonstrates, the project would have less than significant GHG impacts under the City's significance threshold. Please see Response to Comment 011-3 for a discussion of the opinion offered by the comment about net zero emissions.

- O11-6 The comment incorrectly describes the thresholds established by the CAP and states that the City has not properly applied the CAP to the project based on the author's opinion that the project did not account for several of the CAP Checklist items. As provided in Table 18 and Appendix C to the Air Quality and Greenhouse Gas Emissions Technical Report (DEIR Appendix B), the project addresses consistency with all CAP Checklist items. Please also see Response to Comment 011-5.
- O11-7 The commenter argues that the DEIR fails in its analysis of the project's consistency with two CEQA Guidelines Appendix G significance criteria related to greenhouse gas emissions. Please see responses to comments that follow.
- 011-8 The commenter asserts that the City's evaluation, based on the City of Oceanside's CAP, is flawed. The DEIR discloses that the project's estimated GHG emissions exceed the CAP's screening threshold of 900 MT CO₂e/year. As discussed in Responses to Comments 05-7 and 09-107, the City has determined that new development projects emitting less than 900 MT CO2e annual GHGs would not contribute considerably to cumulative climate change impacts, and therefore do not need to demonstrate consistency with the CAP. The City of Oceanside has set a significance threshold that aligns with the state and City's GHG emissions reduction targets as outlined in the CAP (3.5 MT CO2e per service population). For projects with emissions in excess of 900 MT CO₂e, under the CAP, applicants can choose to conduct project-specific GHG emissions analyses to demonstrate compliance with the City's significance threshold or choose to conform to the requirements consolidated in the CAP Checklist. Projects greater than 900 MT CO₂e and greater than 3.5 MT CO₂e per service population would be required to show CAP Checklist consistency. The DEIR demonstrates the project's consistency with the CAP Checklist, and the comment does not provide any specifics demonstrating otherwise. Although not required for the DEIR's less than significance determination, the applicant has also committed to California Department of Justice Warehouse Project Best Practices as identified in Response to Comment 05-29.

- O11-9 The comment incorrectly claims that that the DEIR failed to analyze three out of seven CAP measures when conducting the CAP consistency analysis. As shown in DEIR Table 4.7-7 there are a total of nine CAP Checklist Items and the project's consistency is discussed for each item.
- The comment incorrectly states that the project did not consider Smart Growth Policies within the CAP Checklist. DEIR Table 4.7-7 includes Checklist Item No. 8 that requires applicants for non-residential development located outside of Smart Growth Opportunities areas or a 0.25-mile radius of a priority corridor to participate in energy efficiency audits no sooner than 1 year and no later than 2 years after initial building occupancy. As shown in Table 4.7-7, the project is consistent with this measure as it is located outside of Smart Growth Opportunities areas and it is approximately 0.3 miles from the nearest TOD corridor to the south of the project site. The following Project Design Feature (PDF-GHG-2) is included in Chapter 3 of the Final EIR: "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."
- The comment incorrectly states that the project specifications do not include any prewiring and the CAP measure related to Expanded Electric Vehicle Charging Infrastructure is not satisfied. As provided in DEIR Table 4.7-7, Checklist Item No. 2 explains that projects involving new development that requires at least five parking spaces must comply with the requirements of Section 3048 of the City's Zoning Ordinance. As shown in Table 4.7-7, and as a matter of law, the project must comply with and is consistent with this requirement. The proposed project includes a total of 590 parking spaces, and is therefore required to comply with the requirements of Section 3048 of the City's Zoning Ordinance. Per Section 3048, the project will provide 89 electric vehicle parking stalls, 45 of which will be charger equipped facilities. Therefore, the project is consistent with Checklist Item No. 2.
- O11-12 The commenter erroneously states that the project would need to meet the requirement for reservation of electric vehicle parking spaces. As discussed in Response to Comment O11-11, and as shown in DEIR Table 4.7-7, the project is consistent with this requirement. The proposed project includes a total of 590 parking spaces. Pursuant to Section 3048 of the City's Zoning Ordinance, the project will provide 89 reserved electric vehicle parking stalls. Therefore, the DEIR demonstrates compliance with that element of the CAP consistency checklist.
- O11-13 Relying on the statements in Comments O11-10 through O11-12, the comment argues that the project is not consistent with the CAP Checklist; however; as discussed in Responses to Comments O11-7 through O11-12, the CAP Checklist has been appropriately considered in the project analysis and the DEIR properly relied upon the project's consistency with the CAP Checklist in determining the significance of the project's GHG impacts.
- The comment incorrectly states that the City solely analyzed consistency with the CAP, ignoring all other applicable plans, policies, and regulations for the reduction of GHGs when evaluating GHG impacts. EO S-3-05 identified the following goals: GHG emissions should be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80% below 1990 levels by 2050. Senate Bill 32 established a statewide GHG emissions reduction target whereby CARB, in adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions, shall ensure that statewide GHG emissions are reduced to at least 40% below 1990 levels by December 31, 2030. AB 1279 established a policy of the state to achieve net zero GHG emissions no later than 2045 and for statewide anthropogenic GHG emissions to be reduced to at least 85% below 1990 levels by 2045.

The Scoping Plan updates have continued to express optimism in meeting future year targets of 2050 and 2030, as evaluated in the 2014 and 2017 Scoping Plans (respectively), as well as, most recently, the 2045 goal addressed in the 2022 Scoping Plan under EO B-55-18, which AB 1279 codified and expanded on.

The City is on track to meet state-aligned emissions reduction targets for 2020 and 2030 without additional emissions reduction measures. However, the City understands that meeting long-term reduction targets requires aggressive action. As such, the City has developed near-term local GHG emissions targets that are more aggressive than state targets and that put the City on a trajectory consistent with the state's 2050 GHG emissions targets, which represent the level necessary to stabilize the climate in the latter part of the 21st century (City of Oceanside 2019). Regarding AB 1279, the state's carbon neutrality goal does not preclude any individual project from emitting GHG emissions. AB 1279 codifies EO B-55-18; however, its enactment was linked to the concurrent enactment of Senate Bill 905, which requires CARB to create a Carbon Capture, Removal, Utilization, and Storage Program that, fundamentally, will sequester carbon emitted by other projects. Therefore, the state's carbon neutrality goal does not preclude all individual projects from emitting GHG emissions.

As discussed in the DEIR, the City adopted its CAP on May 8, 2019 (City of Oceanside 2019). The CAP acts as a roadmap to address climate change within the City and outlines measures the City will take to make progress towards meeting the state's GHG reduction goals. The CAP includes a baseline GHG emissions inventory for 2013; GHG emissions forecasts for 2020, 2030, 2035, 2040, and 2050; local GHG emissions reduction strategies and measures to help the City achieve the statewide targets; and implementation and monitoring mechanisms to ensure the City's measures and targets are achieved. The CAP established local GHG emissions reduction targets for future years as follows:

- by 2020, reduce GHG emissions levels to 5 MT CO2e per capita
- by 2030, reduce GHG emissions levels to 4 MT CO2e per capita
- by 2040, reduce GHG emissions levels to 3 MT C02e per capita
- by 2050, reduce GHG emissions levels to 2 MT CO2e per capita

The CAP was prepared in accordance with the requirements within CEQA Guidelines Section 15183.5, and the CAP Consistency Checklist was used to evaluate the proposed project's significance with respect to GHG emissions. The project would be consistent with the CAP and other applicable plans and, therefore, would be consistent with state GHG reduction goals and progress towards achieving carbon neutrality.

The comment suggests that the use of diesel fuel would prevent achievement of at least some of these applicable plans and policies, but does not provide any specific details to back up this assertion. CEQA Guidelines Section 15126.4(a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. If there is no impact or a less than significant impact, then no mitigation measures are required. As discussed in in the DEIR, the CAP Consistency Checklist is used to determine significance in accordance with CEQA Guidelines Section 15183.5; therefore, the CAP Consistency Checklist was used to evaluate the proposed project's significance with respect to GHG emissions. The project demonstrates consistency with the CAP Checklist; therefore, no revisions are required, and no further response is necessary.

- O11-16 The commenter incorrectly states that the CalEEMod analysis included Appendix B to the DEIR is inconsistent with the DEIR's analysis. This comment does not provide any support for that opinion.
- O11-17 The comment again argues that the CalEEMod runs and reported output emissions do not align with the DEIR. However, the values the comment displays, for example 8,142 metric tons of carbon dioxide equivalent annual GHG emissions, represent what CalEEMod reported for emissions before implementation of the project PDFs and compliance with laws and measures. The CalEEMod reported "mitigated" emissions match the values of the DEIR sections, with the addition of GHG emissions from the conversion of operational yard equipment (forklifts and yard truck) to electric operation. As shown in DEIR Table 4.7-6, the total project annual GHG emissions are estimated to be 7,125.55 metric tons per year. The annual value of 7,125.55 was estimated via spreadsheet calculation and includes 30.69 metric tons of amortized construction emissions from CalEEMod analysis, 6,919.63 metric tons per year of operational emissions from CalEEMod, and 222.23 metric tons per year from electric yard vehicles (forklifts and yard truck) (see Exhibit O11-1) (7,125.55 = 6,919.63 + 30.69 + 222.23). The CalEEMod mitigated emissions incorporate PDFs and compliance with rules and measures and do not represent mitigation in the CEQA sense of that word. Thus, the DEIR and CalEEMod outputs support the DEIR's conclusion that the project would have less than significant GHG impacts.

Exhibit 011-1. Estimated annual greenhouse gas emissions.

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- O11-18 Please see Response to Comment O11-17 regarding the consistency of the CalEEMod outputs and the DEIR analysis. GHG emissions reporting in CaEEMod output files for winter and summer represent pounds per day, while reporting in CaEEMod output files for annual emission are reported in tons per year. As such, the values cannot be compared; no further response is necessary.
- O11-19 The comment argues that for the reasons in this letter, the DEIR is not in conformance with CEQA requirements. As discussed in Responses to Comments O-11-1 though O11-18, the project was correctly analyzed in respect to CEQA requirements; no further response is necessary.

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Comment Letter 012



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

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

Affiliated with

INTERNATIONAL BROTHERHOOD OF TEAMSTERS



Jaime Vasquez
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Robert Moreno II
Trustee
Ed Swank
Trustee
Jennie Vasquez
Trustee

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

RE: Eddie Jones Warehouse Project, SCH# 2022070365

I. Introduction

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

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

SAN DIEGO OFFICE: 4666 MISSION GORGE PLACE, SAN DIEGO, CA 92120 • (619) 582-0542 P.O. BOX 600507 • SAN DIEGO, CA 92160 • FAX (619) 582-0542 EL CENTRO OFFICE: 2298 MERRILL CENTER DRIVE, EL CENTRO, CA 92243 • (760) 352-6571 012-1

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II. Project Setting and Background

A. The Project

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

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

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

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Page 2 of 14 in Comment Letter 012

B. The Surrounding Area

The DEIR describes the area surrounding the site as follows:

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

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

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

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

A. Standard of Review

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

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

B. Project Setting - Inadequacy

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

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

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

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

012-7 Cont.

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

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

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

012-7 Cont.

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

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

012-9

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

012-10

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

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





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

012-11 Cont.

C. Traffic Analysis - Inadequacy - Classification

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

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

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

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

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

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

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

012-13

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

012-14

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

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

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

D. Traffic Analysis - Inadequacy - Mitigation Measure

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. Conclusion

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

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https://www.realtor.com/realestateandhomes-search/Oceanside CA/overview

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

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

012-21 Cont.

Respectfully,

Salvador Abrica Political Coordinator

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Response to Comment Letter O12

Teamsters, Chauffeurs, Warehouseman and Helpers Local Union No. 542
Salvador Abrica
January 16, 2024

- O12-1 This comment serves as an introductory comment describing Teamsters Local Union No. 542 and stating general opposition to the project. The comment does not identify specific areas where the DEIR is inadequate; therefore, no further response is required. Please see responses to comments that follow.
- O12-2 This comment includes the author's description of the project location and components of the proposed development. The comment does not identify specific areas where the DEIR is inadequate; therefore, no further response is required.
- O12-3 This comment quotes the DEIR's description of the area surrounding the project site and previous development at the project site. The comment does not identify specific areas where the DEIR is inadequate; therefore, no further response is required.
- O12-4 This comment states that there is no mention throughout the DEIR of the Wanis View Wildlife Preserve area north of the project site or the Mauro Preserve area. The comment goes on to describe the two preserve areas.

In response, the analysis of impacts follows CEQA guidelines, which were used to determine the level of significance a potential impact may pose and mitigation measures to reduce any identified impact. Section 4.3 of the DEIR describes the CNDDB records within the San Luis Rey 7.5-minute quadrangle and the surrounding seven quadrangles and USFWS occurrence data within 5 miles of the site. Several project related impacts to biological resources were identified, resulting in several mitigation measures that are identified in the DEIR. In addition, there are two levees, one on either side of the San Luis Rev River, and a housing development located north of the two levees and the San Luis Rey River, in between the project site and the Wanis View Wildlife Preserve. DEIR Section 4.3, Biological Resources, analyzed potential impacts to wildlife corridors. As outlined in DEIR Section 4.3. "The site has been previously developed and consists of disturbed habitat and urban/developed land. The previous development prevented the site from serving as a movement corridor. The adjacent San Luis Rey River provides for regional wildlife movement. In addition, the project site does not contain the necessary habitat for coastal California gnatcatcher and does not serve as a steppingstone for dispersing coastal California gnatcatchers. Therefore, the project 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; direct impacts would be less than significant." In addition, cumulative impacts were addressed in DEIR Chapter 6, Cumulative Impacts. Also see Response to Comment Letter O10 for additional responses related to the Wanis View Preserve.

O12-5 This comment states that the DEIR focuses too narrowly on the project site itself rather than the residential development to the north, the San Luis Rey River, Ocean Kamp, and wildlife preserves in the vicinity. In response, the EIR considers the residential neighborhood to the north, the adjacent San Luis Rey River, cumulative projects, and applicable planning documents throughout the EIR analysis in compliance with CEQA. The DEIR and associated technical reports were prepared to analyze the existing conditions of the study area and project impacts on the project site and cumulative area. The study area

or area of potential effect varies based on CEQA environmental topic. For example, aesthetic impacts consider the project viewshed, air quality impacts are evaluated based on the air basin, and biological impacts consider the development impact area and the potential for surrounding edge effects.

Chapter 1 of the DEIR describes the purpose, scope, and legislative authority of the DEIR and intent of CEQA. As outlined in Chapter 1 of the DEIR, the EIR addresses the potentially significant adverse environmental effects associated with the proposed project under CEQA. The EIR is an informational document that provides the City's decision makers, public agencies, responsible and trustee agencies, and members of the public with information about (1) the potential for significant adverse environmental impacts that would result from the development of the proposed project, (2) feasible or potentially feasible ways to minimize any significant adverse environmental impacts that would result from the development of the proposed project, and (3) a reasonable range of potentially feasible alternatives to the proposed project that would reduce or avoid significant adverse environmental impacts associated with the proposed project (California Public Resources Code Section 21002.1[a]; 14 CCR 15121[a]). Additionally, Chapter 2 of the DEIR includes a detailed description of the project location, surrounding uses, and regional setting of the project site. Furthermore, potential impacts to surrounding land uses are taken into consideration throughout the DEIR analysis, specifically throughout Chapter 4 and Chapter 6 of the DEIR.

- This comment describes the purpose of CEQA and references two court cases. In response, the DEIR and associated technical studies were prepared in accordance with CEQA (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 CCR 15000 et seq.), and the City's environmental review procedures. The comment does not identify specific areas where the DEIR is inadequate; therefore, no further response is required.
- O12-7 This comment describes the required content of an EIR, specifically the environmental setting, and references several court cases and court findings. The comment does not identify specific areas where the EIR is inadequate; therefore, no further response is required.
- O12-8 This comment states the DEIR project setting descriptions are inadequate because they do not sufficiently incorporate any description of sensitive and protected nature reserves near the project site or along identified trucking routes for the project. The comment states the DEIR should have described the Wanis View and Mauro Preserves, and the comment describes habitat within these preserve areas that could be impacted by the project. In response, please refer to Response to Comment 012-4.
- O12-9 This comment states that the Wanis View and Mauro Preserves are within 2 miles north of the project site and share two roads that would service the project (Benet Road and Alex Road). In response, all potential project impacts related to biological resources were adequately analyzed and disclosed in Section 4.3 of the DEIR. Please refer to Response to Comment O12-4.
- O12-10 This comment states the environmental setting in the DEIR is deficient, as it discusses the California gnatcatcher as a regional native species but states the project would have no impact on the species, as none were observed on site during the reconnaissance survey and there is no suitable habitat on site.

In response, as required by Section 15125 of the CEQA Guidelines, the environmental setting chapter of the DEIR includes a brief description of the existing physical conditions at the project site and the

surrounding vicinity. This chapter also provides an overview of the regulatory setting on the project site pursuant to Section 15125(d) of the CEQA Guidelines.

DEIR Section 4.3.1.2 describes the vegetation communities/land cover types within the project site, which include disturbed habitat and urban/developed land cover, neither of which have the appropriate species to support coastal California gnatcatcher. As mentioned throughout the DEIR, the project site is currently disturbed as a result of development and demolition of the previous industrial use on site. The potential impacts to California gnatcatcher are analyzed in detail in Section 4.3.4 of the DEIR and in the Biological Technical Report included as Appendix C to the DEIR. As outlined in Section 4.3.1.2 of the DEIR, there is no Diegan coastal sage scrub on site; therefore, the project site does not serve as a steppingstone for dispersing coastal California gnatcatcher individuals. Coastal California gnatcatcher, which is federally listed as threatened and is a CDFW SSC, was not observed on site during the reconnaissance survey, and there is no suitable habitat for this species on the project site. Section 4.3.4 of the DEIR identifies the potential for short-term indirect impacts to habitat connectivity and wildlife corridors as a result of project construction, which would be mitigated through implementation of MM-BIO-1 through MM-BIO-3. Furthermore, Section 4.3.4 of the DEIR identified potential long-term indirect impacts to habitat connectivity and wildlife corridors as a result of increased human activity and lighting, which would be mitigated through implementation of MM-BIO-1 through MM-BIO-4.

Section 4.3.4 of the DEIR describes that the project site is located within the WCPZ identified by the Draft Subarea Plan (City of Oceanside 2010). The City uses the Subarea Plan as guidance for the review of new development proposals, and it states that new development within the WCPZ would need to conserve at least 50% of the parcel as open space and remove no more than 25% of the coastal sage scrub habitat. However, the purpose of the WCPZ is to conserve those habitat parcels that potentially contribute to the north-south, regional gnatcatcher steppingstone corridor, recognizing that existing preserve lands north of the San Luis Rey River complete the gnatcatcher steppingstone corridor connection to U.S. Marine Corps Base Camp Pendleton. Since the project site does not support coastal sage scrub, the Biological Technical Report categorizes the site as Urban/Disturbed, and the site has been long used as an industrial facility, as well as due to other factors disclosed in the DEIR and biological technical report, the requirement to conserve the parcel as open space does not apply. The site has been previously developed and consists of disturbed habitat and urban/developed land. The previous development prevented the site from serving as a movement corridor. The adjacent San Luis Rey River provides for regional wildlife movement. In addition, the project site does not contain the necessary habitat for coastal California gnatcatcher and does not serve as a steppingstone for dispersing coastal California gnatcatchers. Therefore, the project 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; direct impacts were determined to be less than significant.

O12-11 This comment states that the DEIR did not adequately analyze the project's impacts on the San Luis Rey River and associated fluctuating water levels at different times of the year. This comment provides visuals of the San Luis Rey River at dry and rainy times of the year. The comment also states that runoff from urban impervious surfaces into the river has been blamed for high bacterials counts at Oceanside beaches.

In response, the comment is not accurate, as the DEIR analyzed potential project impacts related to hydrology, stormwater/water quality, and biological resources as they relate to the San Luis Rey River. For example, hydrology of the San Luis Rey River is discussed in detail in Section 4.9 of the DEIR;

Appendix E, Hydrology and Hydraulics Study, to the DEIR; and Appendix F, Drainage Study, to the DEIR. Differing water levels of the San Luis Rey River were not ignored in the DEIR as the comment states. As the DEIR discloses, as designated by FEMA in Flood Insurance Rate Map number 06073C0751H, the project site is located in Special Flood Hazard Area Zone A99. Zone A99 designates areas "within the 100-year floodplain that will be protected by a Federal flood protection system under construction." In this case, the federal flood protection system consists of the levees that have already been constructed along the San Luis Rey River, although the project has yet to be certified by FEMA. As demonstrated in the hydrology and hydraulics report (Appendix E to the DEIR), with the levees in place, the water surface elevation at the project site during a 100-year flood remains the same in both the existing and proposed conditions (22.39 feet, NAVD 88). The proposed project would not increase water surface elevation. In addition, a perimeter wall would also be incorporated around the boundary of the entire project site as a flood protection feature. The wall would be a solid decorative masonry block wall system that would complement the adjacent landscaping and serve as screening around the perimeter of the site.

The proposed project would grade the site to have all water drain away from the building onto the proposed surface improvements, to eventually drain via surface flow to a series of inlets within the drive aisles. Additionally, a new buried stormwater conveyance system would route those surface flows to subterranean vaults/treatment facilities where stormwater would be treated, and flow would be mitigated before being routed and discharged off site/to the San Luis Rey River (Appendix G). As required by applicable laws, implementation of the SWQMP and a combination of structural BMPs, site design BMPs, and source control BMPs would provide post-construction pollutant controls, reducing potential operational impacts related to water quality standards or waste discharge to less than significant.

- This comment questions the methodology used in the DEIR's traffic analysis and argues the VMT and transportation analysis is inadequate. Please see Thematic Response 3 with respect to the comment's speculations about future tenants. The City requires the trip generation to be calculated based on the type of structure proposed. The most current ITE Trip Generation Manual (11th Edition) was applied. The ITE category of High Cube Warehouse, which is defined with at least 200,000 gross square feet and a ceiling height of at least 24 feet, was determined by the traffic experts at the City and LOS Engineering to most closely match the proposed building of 566,905 square feet with a ceiling height of up to 45 feet. The applied trip rate is correct, and the methodology used in the DEIR does not make the entire VMT/transportation analysis inadequate, as the comment opines.
- O12-13 This comment offers descriptions of warehouse and distribution uses and argues that the DEIR should have analyzed a different use for the project. The comment is based on speculation and lacks substantial evidence supporting the author's opinion. Please see Thematic Response No. 3 and Response to Comment 012-12.
- The comment discusses different warehouse facilities and the author's view about the nature of those operations. Please refer to Response to Comment 012-13.
- O12-15 This comment continues the author's speculation about different uses of the project and argues that the DEIR should have studied the "most-intense use or mix of uses" possible. As described in Responses to Comments O12-12 and O12-13, the DEIR relies on a CEQA compliant methodology that comports with the City's adopted transportation guidelines to evaluate the project's VMT impacts. The comment's opinions to the contrary are not substantial evidence. As described in Response to

Comment O12-12, the reasonably foreseeable land use was correctly applied based on the type of project proposed.

- O12-16 This comment is a continuation of prior arguments about the DEIR's methodology based on the author's speculation that the project might be used as a "last-mile" type facility. Please see Response to Comment O12-15.
- O12-17 This comment argues that the DEIR did not err on the side of completeness based on the author's assumptions about the potential uses of the project. Please refer to Responses to Comments O12-12 through O12-16.
- O12-18 This comment states that the VMT-related mitigation measure proposed in the EIR does not consider the potential that the facility could be used for "last-mile" deliveries and that the mitigation measure is voluntary and inadequate. In response, this comment incorrectly relies on the false premise that the project would have "last-mile" deliveries and that the imposed mitigation measure is voluntary. Please see Responses to Comments 012-12 to 012-16 and 05-17.
- O12-19 This comment provides opinions on why the proposed traffic mitigation is not adequate to reduce vehicle miles traveled. The comment states that since the mitigation measure is inadequate, it would not bring the VMT impact below the threshold of significance and the impact determination should be significant and unavoidable. In response, this comment incorrectly relies on the false premise that the project would have home deliveries, which is not a component of the proposed project. No changes are recommended.
- O12-20 This comment provides further opinions on the proposed traffic methodology and mitigation based on the speculative premise about use of the project as a last-mile delivery facility and the makeup of the future workers. The speculation the comment asks for would be improper under CEQA and inconsistent with CEQA's mandate regarding non-speculative informed decision making. Please refer to Response to Comment O5-17.
- O12-21 This comment is a conclusion statement, expressing general opposition to the project and stating that the EIR is inadequate for the reasons outlined in this letter. In response, please refer to Responses to Comments O12-1 through O12-20 above. No further response is required.

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Comment Letter I1

Robert Dmohowski

From: Ronald Steffen <22287mulholland@gmail.com>

Sent: Thursday, October 26, 2023 6:08 PM

To: Robert Dmohowski

Cc: Wanis@AvalonWeb.com; 'Dee Keck'; Esther Sanchez; Ryan Keim; Eric Joyce; Rick

Robinson; Peter Weiss; City Council

Subject: RE: Notice of Availability - Draft EIR Eddie Jones Industrial Project ("EJIP")

Warning: External Source

Robert, Members of the City Council, Dee and Wanis Board of Directors:

My first reading of the Draft EIR Eddie Jones Industrial Project has the following observations:

There is no mention of the impact of the proposed project on Wanis View Estates. Their will be physical and financial impacts of the EJIP on Wanis View Estates due in part to the change in the nature of the use from a light industrial to a heavy industrial use.

There is no mention of the impact of a large tall building next to the airport. A building of this mass, with walls extending up to heights in the range of 50 feet above grade at top of parapet, will have several effects on line of site view and wind turbulence among other things. The proposed building is massive, any way you look at it.

The report talks about an 8.3% cost effect for what appears to be a road widening. If the reason for the road widening is to accommodate the EJIP, than perhaps the project should pay for 100% of the cost, since without the project no modification of the road is needed.

The report does not address that fact that the EJIP will impact the airport and trailer truck traffic on the 76 and Benet Road. Given the reality of what we see in todays world, it is reasonable to expect that trailer trucks will park along the side of the roads in the area as the drivers rest or wait for a scheduled arrival or departure.

Airport related regulations and impacts are not mentioned in any significant degree. One key point is that EJIP will increase the heavy trailer truck traffic passing along Benet. I believe the end of the runway at Benet Road is that type of area which is considered to have impact risks which can result from an aircraft striking a vehicle crossing in front of the end of the runway. There is no mention of the fact that EJIP will increase heavy high profile traffic passing along Benet at the end of the runway.

We are living in a time period where weather has become a far greater significant factor. A tall, massive building next to light aircraft airport runways can have devastating effects. If a

11-1

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11-6

strong wind gust is disrupted it can cause a vortex that could cause a light aircraft to have difficulty landing or taking off. The proposed EJIP is just such a building. Smaller lower buildings would be safer for air traffic and conform to existing zoning regulations.

I1-6 Cont

Another fact that the report does not consider and perhaps it is beyond the scope of the report, is that many of the workers in projects like this, like Amazon Warehouses, are paid low wages, even minimum wages is some cases. These workers will not be able to afford the cost of housing in Wanis View Estates, if they earn low wages. I

11-7

It has been clear for a longtime that Oceanside is changing. San Diego County has one of the highest standards of living and wages that are considerably higher than average. There is a shortage of good high tech space in Oceanside, San Diego and Orange Counties. There is concrete evidence of demand for this type of space. Genentech announced a \$450 Million Expansion in Oceanside on February 12, 2023. It is highly likely that the Genentech expansion will increase demand for high tech space in Oceanside.

11-8

High Tech space brings in more high paying jobs. The value of the High-Tech buildings in higher that a warehouse building. A warehouse building will produce lower property tax revenues than a high-tech building or High-Tech industrial park will generate.

The existing zoning of the subject Eddie Jones site will accommodate a High-Tech Industrial Park if I'm correct in my understanding.

Taking these factors into account, The subject Draft EIR should be modified to take into account the relevant factors mentioned; and the Warehouse project should be rejected and the development of a High-Tech Industrial Park on the site should be encouraged.

11-9

Thank you for your consideration.

Ronald Steffen, Owner 603 Wala Drive Wanis View Estates

From: Robert Dmohowski < RDmohowski@oceansideca.org>

Sent: Thursday, October 26, 2023 3:49 PM

To: '22287mulholland@gmail.com' <22287mulholland@gmail.com> Subject: Notice of Availablity - Draft EIR Eddie Jones Industrial Project

Dear interested party:

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Page 2 of 4 in Comment Letter I1

Thank you for signing up for the interested parties list for the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project. The City of Oceanside, as Lead Agency, is issuing the attached Notice of Availability of the Draft Environmental Impact Report. You will receive subsequent notification of when the project is scheduled for a Planning Commission hearing.

PLEASE NOTE:

The Draft Environmental Impact Report (DEIR) has been prepared for the Eddie Jones Warehouse, Manufacturing & Distribution Facility and posted for the 45-day public review period. Consistent with the initial Project application submitted to the City, the Project Description presented in the DEIR notes the proposed project consists of redevelopment of the project site with a new 566,905-square-foot warehouse and distribution facility that includes a total of 114 loading bays situated on the north and south sides of the building. Thus, the 114-truck loading bay design has been evaluated in the DEIR to provide a comprehensive and conservative analysis of the project.

However, as presented at the July 12, 2023 project community meeting, the applicant has prepared an updated design which reduces the amount of truck loading bays to 57 (50% reduction). This design also orients the majority of the loading bays (35 bays) toward the airport property (south side of the building), with the other 22 loading bays located on the north side of the building. The building square footage has not changed as a result of the reduction in the number of loading bays, so the DEIR's CEQA analysis of the project remains accurate. These modified plans will be included in the project application and presented to and considered by the Planning Commission as part of the final entitlement package. The Final EIR will also note the modified plans.



City of Oceanside

Subject:

DEVELOPMENT PLAN (D22-00001), CONDITIONAL USE PERMIT (CUP22-00001), AND VARIANCE (V22-00001); SCH NO. 2022070365. The proposed 31.79 acre project site is located at 250 Eddie Jones Way (APNs: 145-021-29, 30, & 32) in the Airport Neighborhood Planning Area. Located immediately north of the Oceanside Municipal Airport on the east side of Benet Road, the site is currently vacant and was previosuly developed with a 172,300 square-foot industrial manufacturing facility. The site has a General Plan land use designation of Light Industrial (LI) and a zoning designation of Limited Industrial. The Eddie Jones Warehouse, Manufacturing, and Distribution Facility Project (project) is a request for development of an approximate 566,905 square foot warehouse, manufacturing, and distribution facility that would consist of 369,415 square feet of warehouse area, 158,320 square feet of manufacturing space, and 39,170 square feet of office area designed as a single building that could support multi-tenant occupancies. Loading bays would be located on the north and south side of the building with a total of 114 truck terminals and 60 truck trailer parking stalls. A total of 590 employee and guest parking spaces would be provided around the permiter of the building. Access to the site would be maintained and improved with existing access points from Alex Road and Benet Road. The Alex Road access would be limited to passenger vehicles while heavy truck access would be limited to the Benet Road entry point.

NOTICE IS HEREBY GIVEN that the City of Oceanside has prepared a Draft Environmental Impact Report (DEIR) for the subject project. The DEIR identifies that the proposed project would result in impacts mitigated to less than significant levels related to: Air Quality, Biological Resources, Cultural Resources, Traffic and Circulation, and Tribal Cultural Resources. The City's decision to prepare a DEIR should not be construed as a recommendation of either approval or denial of this project. The DEIR public review period

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is from **THURSDAY**, **October 26**, **2023** – **MONDAY**, **December 11**, **2023**. The City invites members of the general public to review and comment on this environmental documentation.

Copies of the DEIR and supporting documents are available for public review and comment on the City of Oceanside website:

http://www.ci.oceanside.ca.us/government/development-services/planning/ceqa/eddie-jones-warehouse-manufacturing-and-distribution-facility-project-eir

The City of Oceanside Planning Division counter located in the Civic Center at 300 North Coast Highway, the City of Oceanside Main Library located at 330 North Coast Highway, or the City of Oceanside Mission Branch Library located at 3861-B Mission Avenue. Please direct any questions or comments regarding the DEIR to Rob Dmohowski, Principal Planner at the City of Oceanside's Planning Division, 300 North Coast Highway, Oceanside, CA, 92054, at (760) 435-3563 or by email to rdmohowski@oceansideca.org

Rob Dmohowski, AICP Principal Planner

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Response to Comment Letter I1

Ronald Steffen October 26, 2023

- I1-1 This comment serves as an introductory comment and also states that there is no mention of project impacts on the Wanis View Estates in the DEIR. The commenter offers a general opinion, without any support, that physical and financial impacts would occur due to the change in the nature of the use on site from light industrial to heavy industrial. The comment does not raise an issue with the adequacy of the DEIR. Please refer to Thematic Response 5, which outlines in detail the light industrial zoning designation and associated proposed use on site.
- This comment argues the project's proposed height would impact the Oceanside Municipal Airport. In response, as outlined in Section 4.8 of the DEIR, the project site is located adjacent to the Oceanside Municipal Airport along the site's southern boundary. The entire project site is within safety zones for the airport. The southwestern corner is located within safety zones 1, 2, and 3. The remaining southern portion of the project site is located within safety zone 5, and the northern portion of the project site is within safety zone 6. Additionally, the project site is within an aviation noise exposure range of 60 dB CNEL, the Airport Overflight Notification Area, and Review Area 1 of the ALUCP Airport Influence Area. Project consistency with safety zones, noise exposure range, height requirements, and Review Area 1 requirements are analyzed in Section 4.8.4 of the DEIR. The DEIR determined the project would not result in a safety hazard or excessive noise for people working in the project area.

Additionally, the project design accounts for required setbacks and airspace height limits established by the Oceanside Municipal ALUCP. The project proposes one larger multi-tenant facility centrally located on site, rather than multiple buildings situated throughout the site, in adherence to airport airspace constraints on both height and location of buildings. The proposed building, parking, and circulation areas are designed to avoid the Runway Protection Zone, which extends across the southwest corner of the site. Under the City's Limited Industrial (IL) zone, the maximum building height allowed is 80 feet. The project proposes a building height of 45 feet, which meets the Oceanside Municipal Airport's 7:1 transitional surface limit.

Furthermore, as addressed in Section 4.10.4 of the DEIR, the Oceanside Airport Land Use Commission (ALUC) staff completed a consistency review of the project. That agency, which is tasked by law with evaluating potential impacts of new development on the airport, determined the project, including, without limitation, the height, location, and uses of the buildings, to be conditionally consistent with the Oceanside Municipal Airport land Use Compatibility Plan (ALUCP) based upon facts and findings in the Airport Land Use Commission Consistency Determination dated August 10, 2023. The Airport Land Use Commission subsequently approved the Consistency Determination on September 7, 2023. Further, the Federal Aviation Administration issued a "Determination of No Hazard" to air navigation for the project on April 18, 2023. Accordingly, review by the FAA and Oceanside ALUC determined the project to be compatible with the adjacent Oceanside Municipal Airport (refer to Final EIR Appendices 0-1 and 0-2). Therefore, substantial evidence in the DEIR and project records demonstrates that the opinions offered in this comment are without merit.

11-3 This comment argues the project should pay 100% of the cost of intersection improvements while acknowledging that the Local Transportation Study (LTS) (DEIR Appendix I) demonstrates that the

project's cumulative contribution to the need for improvement is only a fair share payment of 8.3%. In response, the LTS evaluates non-CEQA impacts related to roadway capacity. Cumulative traffic unrelated to the project will cause an intersection (SR-76/Benet Road) to fall below City level of service (LOS) standards. As project trips alone would not result in the intersection failing below LOS D, the LTS identifies a fair share payment of 8.5% towards converting the existing eastbound and westbound right-turn lanes to a combination through-right lane in the eastbound and westbound direction, resulting in three through lanes in each direction. As the LTS demonstrates, under the applicable laws and the City of Oceanside Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (Traffic Guidelines) (City of Oceanside 2020), the fair share payment toward the identified improvements would satisfy any project obligations.

This comment asserts that the DEIR did not address trailer truck traffic on SR-76 and Benet Road and then speculates that trailer trucks will park along the sides of the roads in the area. The author is mistaken. Although not a CEQA transportation analysis, truck traffic has been analyzed in the LTS (DEIR Appendix I) required by the Traffic Guidelines. Except as discussed in Response to Comment I1-3, the project's auto and truck trips do not cause an exceedance of the City's LOS standards.

As required by CEQA and the Traffic Guidelines, the DEIR includes a CEQA compliant VMT assessment for the project (DEIR Appendix J). The significance determination for a VMT impact for an industrial project is based on an "Employee VMT" metric. As disclosed in DEIR Section 4.14, with the mitigation imposed, the project would have a less than significant impact under CEQA.

Regarding parking, the project would include 590 parking spaces to accommodate both employee and visitor parking. Parking would be distributed throughout the site to meet the needs of the proposed office and warehouse uses. A total of 60 tractor/truck/trailer parking stalls would be provided along the northern and southern portions of the site oriented with the planned loading bays as part of the warehouse and distribution uses. The proposed project would meet City parking requirements. Furthermore, all construction parking would occur on site. Under these circumstances, CEQA does not require a response to the author's speculations about trucks parking off site when the requisite parking exists on site.

- 11-5 The comment states, without citing to a source, that truck traffic on Benet Road creates airport risks not analyzed in the DEIR. In response, Section 4.8.2 of the DEIR describes applicable airport related regulatory requirements and analyzes the project's location within Oceanside Municipal Airport safety zones. The DEIR determined that in light of the project design, and with project compliance with the applicable ALUC requirements and review, the project as proposed would not result in a safety hazard. Additionally, please refer to Response to Comment I1-2.
- The commenter offers an opinion that due to weather the proposed building next to the adjacent Oceanside Municipal Airport runway creates hazards. The CEQA issues related to the project's proximity to the airport are adequately addressed in the DEIR, and the project has been determined to be compatible by the ALUC. Please also refer to Responses to Comments I1-2 and I1-5.
- 11-7 The comment argues that the author believes that project workers will be paid low wages and would not be able to afford the cost of housing in Wanis View Estates. In response, CEQA does not analyze the type of social and economic topics identified in the comment. CEQA requires an evaluation of a project's impacts on the physical environment. Thus, no further response is required. Nonetheless, the

proposed project is consistent with the underlying land use and zoning for the property. As outlined in Table 4.10-1 in Section 4.10 of the DEIR, project implementation would not conflict with any of the City's General Plan policies or goals, including growth patterns identified in the Housing Element.

- I1-8 The commenter expresses opinions about social and economic matters and a preference for a high tech use on site. See Response to Comment I1-7 regarding social and economic comments. Please also refer to Thematic Response 3 for an explanation of proposed uses and associated tenants.
- **11-9** This comment expresses general opposition to the project. The comment is noted. No further response is required as the comment does not raise any specific issues related to the adequacy of the DEIR.

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Comment Letter I2

Eddie Jones Warehouse, Manufacturing, and Distribution Facility



Please Read On and Educate Yourself. Good decisions are informed decisions.

1

PROJECT DETAILS: (D-EIR - 3.2.4)

114 Semi-Tractor Truck Bays

60 Semi-Tractor/Trailer Parking Stalls

590 Automobile Parking Stalls

Operations - 7-Days/Week, 24-Hours per Day

ZONING (City of Oceanside)

Airport Zoning – Zoned Light Industrial – 1961 (62 YEARS AGO!) (Airport Established 1946/Oceanside Chamber of Commerce)

Airport Residential Community Built - 2003-2004 (20 YEARS AGO)

The Current Zoning Is No Longer Valid For This Area

The Eddie Jones Project Is Not Viable For This Location Without Adversely Affecting The Entire Airport Community

The Draft Environment Impact Report Cites The Following Pollutants Affecting The Surrounding Communities.

*Information Derived From D-EIR (Draft Environmental Report D22-00001 / #2022070365, Section 4.2 - 4.2.1, Section 4.6 and 4.7)

OZONE

NITROGEN DIOXIDE

CARBON MONOXIDE

SULFUR DIOXIDE

PARTICULATE MATTER

LEAD

VOLITILE ORGANIC COMPOUNDS

•

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I2-1 Cont.

FINAL ENVIRONMENTAL IMPACT REPORT EDDIE JONES WAREHOUSE, MANUFACTURING & DISTRIBUTION FACILITY PROJECT

TOXIC AIR CONTAMINANTS (TAC)

DEISEL PARTICULATE MATTER (DAM)

ODOROUS COMPOUNDS

COXXIDIOIDOMYCOSIS

SULFATES

HYDROGEN SULFATE

VINYL CHLORIDE

"These standards are designed to protect the most sensitive persons from illness or discomfort. Pollutants of concern include O3, NO2, CO, sulfur dioxide (SO2), PM10, PM2.5, and lead. These pollutants, as well as toxic air contaminants (TACs), are discussed in this section. In California, sulfates, vinyl chloride, hydrogen sulfide, and visibility-reducing particles are also regulated as criteria air pollutants."

A Supporting Vote Will Sacrifice The Children of Oceanside To This Legacy!

Section 41700 of the Health and Safety Code states that a person shall not discharge from any source whatsoever. quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or that endanger the comfort, repose, health, or safety of any of those persons or the public; or that cause, or have a natural tendency to cause, injury or damage to business or property. This section also applies to sources of objectionable odors.

Pursuant to the 1990 federal CAA Amendments, the EPA classifies air basins (or portions thereof) as "attainment" or "nonattainment" for each criteria air pollutant, based on whether the NAAQS have been achieved. Generally, if the recorded concentrations of a pollutant are lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "nonattainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated as "unclassified" or "unclassifiable." The designation of "unclassifiable/attainment" means that the area meets the standard or is expected to be meet the standard despite a lack of monitoring data. Areas that achieve the standards after a nonattainment designation are redesignated as maintenance areas and must have approved maintenance plans to ensure continued attainment of the standards. The California Clean Air Act, like its federal counterpart, called for the designation of areas as "attainment" or "nonattainment," but based on the CAAQS rather than the

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Page 3 of 7 in Comment Letter I2

I2-1 Cont.

FINAL ENVIRONMENTAL IMPACT REPORT EDDIE JONES WAREHOUSE, MANUFACTURING & DISTRIBUTION FACILITY PROJECT

NAAQS. The criteria pollutants of primary concern that are considered in this analysis are O3, NO2, CO, SO2, PM10, and PM2.5. Table 4.2-2 summarizes the SDAB's federal and state attainment designations for each of the criteria pollutants.

Table 4.2.2. SDAB Attainment Designation (Page 103)

| Pollutant | Federal Designation | State Designation |
|-------------------------------|-----------------------------|-------------------|
| Os (8-hour) | Nonattainment | Nonattainment |
| Os (1-hour) | Attainmenta | Nonattainment |
| CO | Attainment | Attainment |
| PM10 | Unclassifiable ^b | Nonattainment |
| PM _{2.8} | Attainment | Nonattainment: |
| NO ₂ | Attainment | Attainment |
| SO ₂ | Attainment | Attainment |
| Lead | Attainment | Attainment |
| Sulfates | (No federal standard) | Attainment |
| Hydrogen sulfide | (No federal standard) | Unclassified |
| Visibility-reducing particles | (No federal standard) | Unclassified |
| Vinyl chloride | (No federal standard) | No designation |

Table 4.2-4. SDAPCD Air Quality Significance Thresholds

| Construction Emissions | | | |
|--------------------------------------|----------------------------------|--|--|
| Pollutant | Total Emissions (Pounds per Day) | | |
| Respirable Particulate Matter (PM10) | 100 | | |
| Fine Particulate Matter (PM2.5) | 55 | | |
| Oxides of Nitrogen (NOx) | 250 | | |
| Oxides of Sulfur (SOx) | 250 | | |
| Carbon Monoxide (CO) | 550 | | |
| Volatile Organic Compounds (VOC) | 75* | | |

| Operational Emissions | | | | |
|--------------------------------------|-----------------|----------------|---------------|--|
| | Total Emissions | | | |
| Pollutant | Pounds per Hour | Pounds per Day | Tons per Year | |
| Respirable Particulate Matter (PM10) | - | 100 | 15 | |
| Fine Particulate Matter (PM2.5) | - | 55 | 10 | |
| Oxides of Nitrogen (NOx) | 25 | 250 | 40 | |
| Sulfur Oxides (SOx) | 25 | 250 | 40 | |
| Carbon Monoxide (CO) | 100 | 550 | 100 | |
| Lead and Lead Compounds | _ | 3.2 | 0.6 | |
| Volatile Organic Compounds (VOC) | - | 75* | 13.7 | |

I2-1 Cont.

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Page 4 of 7 in Comment Letter I2

Regionally, project-related travel will add to regional trip generation and increase the vehicle miles traveled within the SDAB. Locally, project traffic will be added to the City's roadway system. If such traffic occurs during periods of poor atmospheric ventilation, consists of a large number of vehicles "cold-started" and operating at pollution-inefficient speeds, and operates on roadways already crowded with non-project traffic, there is a potential for the formation of microscale CO "hotspots" in the area immediately around points of congested traffic. Because of continued improvement in mobile emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the basin is steadily decreasing. Projects contributing to adverse traffic impacts at highly congested intersections may result in the formation of CO hotspots. To determine whether the project would cause or contribute to a violation of the CO standard, a screening evaluation of the potential for CO hotspots was conducted including County guidance and SCAQMD CO modeling for the 2003 Air Quality Management Plan. Per County's CO hotspot screening guidance (County of San Diego 2007), any project that would place receptors within 500 feet of a signalized intersection operating at or below LOS E (peak-hour trips exceeding 3,000 trips) must conduct a "hotspot" analysis for CO. Likewise, projects that will cause road intersections to operate at or below a LOS E (i.e., with intersection peak-hour trips exceeding 3,000) will also have to conduct a CO "hotspot" analysis. LOS

Engineering Inc. Traffic and Transportation (LOS Engineering Inc. 2023) conducted a local transportation study for the project (Appendix I to this EIR) including LOS analysis of the following nine intersections and road segments:

Intersections:

SR-76/I-5 SB Ramps SR-76/I-5 NB Ramps SR-76/Loretta Street SR-76/Canyon Road SR-76/Benet Road SR-76/Foussat Road Benet Rd/Airport Road Benet Rd/Eddie Jones Way Foussat Rd/Alex Rd

ROAD SEGMENT:

Eddy Jones to SR-76 Alex Road to SR-76 I-5 to Loretta Street I2-1 Cont.

5

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Loretta Steet to Canyon Drive Canyon Drive to Benet Road Benet Road to Foussat Road East of Foussat Road

The transportation study included six traffic scenarios, which included Existing, Existing plus Project, Near Term (18 cumulative projects), Near Term plus Project, Horizon Year 2030, and Horizon Year 2030 plus Project. As presented in the Local Transportation Study (Appendix I): • Under "Existing conditions", the study elements were calculated to operate at LOS D or better except for segment #6: SR-76 from Benet Rd to Foussat Rd

- Under "Existing plus Project" conditions, the study elements were calculated to operate at LOS D or better except for segment #6: SR-76 from Benet Rd to Foussat Rd.
- Under Near Term (Existing + Cumulative) conditions, the following study elements were calculated to operate at LOS E/F:

Intersection #5: SR-76/Benet Rd Intersection #6: SR-76/Foussat Rd

Segment #4: SR-76 from Loretta St to Canyon Dr Segment #5: SR-76 from Canyon Dr to Benet Rd Segment #6: SR-76 from Benet Rd to Foussat Rd

Segment #7: SR-76 east of Foussat Rd

• Under Near Term (Existing + Cumulative) plus Project conditions, the following study locations were calculated to operate at LOS E/F AND the project has a transportation impact:

Intersection #5: SR-76/Benet Rd

The following roadways were calculated to operate at LOS E/F without an impact because the project traffic does not exceed the transportation impact thresholds defined in the Traffic Guidelines:

Intersection #6: SR-76/Foussat Rd

6

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I2-1 Cont. Segment #4: SR-76 from Loretta St to Canyon Dr Segment #5: SR-76 from Canyon Dr to Benet Rd 12-1 Cont.

12-2

Although much of the D-EIR states this project is "within guidelines"; IS THIS WHAT WE WANT TO LEAVE THE CHILDREN OF OCEANSIDE? If your children were subjected to the Federal and State Guidelines, are YOU okay with that? How has Federal and State Guidelines historically affected US? Subjecting our children to Lead, Carbon Dioxide, Vinyl Chloride, and the other pollutants listed in the D-EIR is NOT THE WAY. How much are YOU okay with when it comes to your children? This project, while acceptable before our residential community was conceived, is not acceptable now, 63 years later. Surely, Oceanside deserves better and can do better. Let's, as a community and a City, promote family and human values ahead of commerce and blight.

While the information listed above lists factual D-EIR information, the entire process and D-EIR ignores the "Human Factor". For example, there is a speed limit posted on every roadway. The law says you cannot exceed that limit, or you are violating the law, or the rule. Ask yourself: Have you ever violated the speed law? Do others violate the speed law? THAT IS THE HUMAN FACTOR. Please consider this too in making your decision.

Thank You,

Gene R. O'Neal Jr. / Carrie L. O'Neal and all my children and grandchildren.

478 Tishmal Court Oceanside, CA 92058 (760) 470-4363

While the information listed above lists factual D-EIR information, the entire process and D-EIR ignores the "Human Factor". For example, there is a speed limit posted on every roadway. The law says you cannot exceed that limit, or you are violating the law, or the rule. Ask yourself: Have you ever violated the speed law? Do others violate the speed law? THAT IS THE HUMAN FACTOB. Please consider this too in making your decision.

Thank You,

Gene R. O'Neal Jr. / Carrie L. O'Neal and all my children and grandchildren.

478 Tishmal Court Oceanside, CA 92058 (760) 470-4363

7

Page 7 of 7 in Comment Letter I2

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Response to Comment Letter I2

Gene R. O'Neal Jr. October 29, 2023

- **12-1** The comment states that only "two roads service the entire airport community" and provides other information, questions the existing zoning and appears to have cut and pasted text from certain portions of the DEIR. In response, comment does not provide any specific CEQA related comments regarding the analysis and conclusions of the DEIR. Therefore, no further response is required.
- **12-2** The comment expresses general opposition to the proposed project and policy questions for decision makers. The comment does not raise any CEQA issues related to the adequacy of the DEIR. Therefore, no further response is required.

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Comment Letter I3

Robert Dmohowski

From: Mikhael Madello <mikhaelmadello@gmail.com> Sent: Monday, November 6, 2023 3:25 PM Robert Dmohowski To: Subject: Eddie Jones DEIR analysis Warning: External Source Good afternoon, Mr. Dmohowski, I live in the Airport neighborhood directly impacted by both the proposed Eddie Jones Project and Ocean Kamp, I just finished reading the 460 page executive summary of the DEIR (have not yet started to read the entire multi-thousand page document). I have a few questions I hope you might be able to answer for clarification purposes. 1. Who pays for the DEIR? The developer? An independent entity? 2. I understand Ocean Kamp was given the green light to move forward; do you know when construction will begin and how long it is expected to last? If Eddie Jones is approved, will construction on both projects (which share Foussat Rd.) overlap? 3. It is my understanding that impact fees paid by the developer will go to a general slush fund to be used at the City's discretion for infrastructure (and not to improve Benet or Foussat when traffic and emergency egress invariable comes an issue). Is this correct? 4. The DEIR does not address power outages/shutdowns in case of a fire nor the impact a down grid may have on an evacuation. I understand the City's desire to promote clean energy as part of its goal to reduce climate change; however, is there a plan to address the infrastructure issue? In a fire, one cannot charge electric vehicles; residents relying on only electric vehicles may potentially be trapped. Ocean Kamp will also introduce 670 clean-energy new homes to this area. Are the impacts of both projects on the grid being studied? 5. I noticed the DEIR (at least the executive summary) does not address fire evacuation for the entire neighborhood (it is limited to the development site only). If there is a fire in the north end of the community (as there was in June 2022; it happened in our culdesac) and residents lose life/property/etc., is the developer at all liable if it is determined that increased facility traffic impeded fire rescue response times? 13-6 The only means of emergency egress to the entire community of 1200 homes is via Benet Rd. and Foussat Rd., both of which the developer intends to use (trucks on Benet, 590 employees on Foussat) every day. As is, it would be nearly impossible for fire and rescue to reach our home in under 5 minutes (as is the stated goal of the City), and that is on a day without any traffic. I have many more questions/comments, but I wanted to make sure I had a correct understanding of the aforementioned areas before delving further into the actual DEIR. Thank you in advance for the clarification. Best regards, 13-7 Mikhael Madello 319 Rimhurst Court Oceanside 92058

2

Page 2 of 2 in Comment Letter I3

Response to Comment Letter 13

Mikhael Madello November 6, 2023

- **I3-1** This comment serves as an introduction to comments that follow. This comment does not raise any issues related to the adequacy of the DEIR, and no further response is required.
- The commenter asks who pays for the preparation of the DEIR. In accordance with the City's permitting policies and regulations, the costs of preparing a CEQA document are borne by the project applicant. In accordance with Section 15084(e) of the CEQA Guidelines, the DEIR reflects the independent judgement of the City.
- The commenter asks about the construction status of the Ocean Kamp Project and if construction for Eddie Jones would overlap with Ocean Kamp. In response, the Oceanside City Council approved the Ocean Kamp Project in October 2022. Construction of the Ocean Kamp Project has commenced. The City is not aware of when the different elements of Ocean Kamp will be complete. However, the DEIR analyzed Ocean Kamp in DEIR Chapter 6, Cumulative Effects, as well as the LTS (DEIR Appendix I). The comment does not raise any specific question about the adequacy of the DEIR; therefore, no further response is required.
- 13-4 The commenter asks a question about the City's accounting for and use of developer impact fees paid by the project. The comment does not identify a specific comment about the adequacy of the DEIR. Therefore, no further response is required. Nonetheless, the City has an established development impact fee program that requires payment of impact fees and in-lieu fees for new development. California law, including the Mitigation Fee Act, imposes strict requirements on the establishment, collection, and use of those funds. The author is not correct that all development impact fees are put into a general slush fund.
- The comment states that the DEIR does not address power outages/shutdowns in case of a fire and how that would impact evacuation. The comment specifically mention charging electric vehicles during a fire emergency. The comment does not describe a circumstance in which the project is alleged to have a physical impact on the environment. The question posed is a general one unrelated to the project or the adequacy of the DEIR as an informational document evaluating the impacts of the project. Therefore, no further response is required. Nonetheless, DEIR Sections 4.5, 4.8, and 4.17 address the potentially significant impacts of the project related to energy and consistency with adopted evacuation plans, and the analysis demonstrates that the project would have less than significant impacts.
- This comment expresses the opinion that the DEIR does not adequately address fire evacuations and asks about developer liability under a hypothetical situation. The latter is a social or economic question that is not addressed under CEQA, so no response is required. The author is mistaken in its assertion that the DEIR does not address evacuations. Project impacts related to fires, fire response, and emergency and evacuation plans are analyzed in Section 4.8, Hazards and Hazardous Materials; Section 4.13, Public Services; and Section 4.17, Wildfire, in the DEIR. The project would not require the full closure of any public or private streets or roadways during construction or operations and would not impede access of emergency vehicles to the project site or any surrounding areas. Further, the project would provide all required emergency access in accordance with the requirements of the

Oceanside Fire Department. As shown in the DEIR, the project's impacts in those areas would be less than significant. Additionally, please refer to Thematic Response 1.

13-7 This comment serves as a conclusion and does not raise an issue with the adequacy of the DEIR. Therefore, no further response is required.

Comment Letter I4

Robert Dmohowski

From: Lauren Entler <lentler@cox.net>
Sent: Tuesday, November 7, 2023 12:25 PM

To: Robert Dmohowski

Subject: Vote No for Eddie Jones Warehouse Project

Follow Up Flag: Follow up Flag Status: Flagged

Warning: External Source

Mr. Rob Dmohowski, Oceanside City Principal Planner

Please vote against the Eddy Jones Warehouse project. The number of semi-trucks travelling on Benet Rd will interfere with our travel to and from our homes as well as all of the 76 highway traffic. This project is too large and will have too much of a negative impact on our community. A much smaller project would be more acceptable. In addition, other things to consider are the air pollution from trucks and water pollution of the San Luis Rey river. Also consider the safety hazard if residents had to evacuate due to fire.

Please vote against this project as it is written now.

Sincerely, Lauren Entler 3563 Coconut Way Oceanside, CA 14-2

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Response to Comment Letter 14

Lauren Entler November 7, 2023

- I4-1 This comment expresses general opposition to the project and expresses concerns of project related semi-trucks interfering with roadway access in the area. In response, the comment does not raise a specific issue with the adequacy of the DEIR. However, please refer to please refer to Section 4.14 of the DEIR, which discusses transportation related CEQA impacts and demonstrates that project impacts would be less than significant. Please also refer to Thematic Responses 2 and 6.
- 14-2 This comment expresses a general objection to the size of the proposed project. The comment does not raise an issue with the adequacy of the DEIR, and therefore, no further response is required.
- This comment asks the City to consider air pollution from trucks and water pollution of the San Luis Rey River. The comment does not raise an issue with the adequacy of the DEIR. The DEIR analyzes the potentially significant project impacts of both those CEQA topic areas. Please refer to EIR Section 4.2 for a detailed air quality analysis and EIR Section 4.9 for a detailed analysis of hydrology and water quality related to the project.
- This comment asks the City to consider safety hazards to residents in the event of a fire. This comment does not raise a specific issue with the adequacy of the DEIR. Please refer to Section 4.8, Hazards and Hazardous Materials; Section 4.13, Public Services; and Section 4.17, Wildfire, for a discussion of the project's potentially significant impacts with respect to each of those topic areas. See also Thematic Response 1 for a discussion regarding fire evacuation.

Comment Letter I5

Robert Dmohowski

From: josh Soto
Sent: josh Soto
Tuesday, November 7, 2023 2:16 PM

To: Robert Dmohowski

Subject: Eddy Jones warehouse project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

People need to stop buying on Amazon and spend there money with local businesses. Then, there will be no need for this ridiculous project.

Regards, Josh Soto 15-1

Sent from Yahoo Mail on Android

Response to Comment Letter I5

Josh Soto November 7, 2023

I5-1 This comment expresses general opposition to the project, particularly with regard to the development of an industrial warehouse. This comment does not raise an issue with the adequacy of the DEIR, and therefore, no further response is required.

Comment Letter 16

JOANNE PILGRIM 641 Tukmal Drive Oceanside, CA 92058 Cell: (760) 712-6221

November 8, 2023

Rob Dmohowski Oceanside City Principal Planner 300 North Coast Highway Oceanside, CA 92054 Via U.S. Mail and Email

Re: Draft Environmental Impact Report (DEIR): Eddie Jones Warehouse, Manufacturing And Distribution Facility Project (Project)

Dear Mr. Dmohowski:

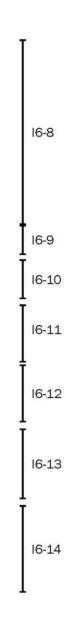
I am a homeowner in the community surrounding the above-referenced Project and a member of the Oceanside Speaks Out group. Please note the following comments regarding the proposed Draft Environmental Impact Report (DEIR):

16-1

- 1. Why is the land designated "Light Industrial," but the zoning designates the property as "Limited Industrial." How can they be different?
- The DEIR does NOT mitigate impacts less than significant levels related to: Air Quality, Biological Resources, Cultural Resources, Traffic and Circulation, and Tribal Cultural Resources. There are too many lives at stake because of the communities involved with this Project going forward.
 - a. <u>Noise and Light</u>. This is a HUGE project and the noise and light consequences alone will be felt for miles around. This will affect our land values and loss of enjoyment of our properties, which is our legal right.
 - b. <u>Traffic and Circulation</u>. The proposed solution of improved access points for the traffic congestion doesn't begin to address the ingress and egress problems the homeowners will face with all the trucks and vehicles designated. Specifically, 114 truck terminals, 60 truck trailer parking stalls and 590 employee and guest parking spaces are indications of a huge undertaking within a very confined area. In fact if this Project is approved, Highway 76 will be at a stop and go with a backup of Interstate 5 as well, not to mention that the homeowners won't be able to get to planned destinations on time because of trucks going day and night in an area where residents are directly affected. There, also, may be many traffic accidents involved due to the circulation problems. As if this is not enough, the State just voted to have all trucks become autonomous in the future. This will inevitably result in increased accidents on our narrow roads with only the two exits in and out of the communities.

Rob Dmohowski Oceanside City Principal Planner November 8, 2023 Page 2

- c. Emergencies and Fires. With backup on the major highways and ingress and egress problems into the developments, emergency vehicles could well be blocked from getting to the endangered properties in time. This could result in lost properties from fire with possible injury or even death to those inside including children and animals. This is especially important since we live in a fire prone area. My home insurance was just cancelled because of "high brush exposure due to change in fireline" according to my agent. In fact, I am told carriers are no longer covering homeowners in California because of the fire losses putting all of us at higher risk than others. Further, there are many Marines living in the area because of Camp Pendleton who need quick access to the highways in case they are called to duty, and if they cannot get out in time, the military will be asking why.
- d. Health, Air Quality and Environment. There is no way this Project is not going to affect our water supply, air quality and environmental locale. I just received notification from the Department of Toxic Substances Control that they were going to do a "clean-up" of the Alex Road Project because their investigation showed "soil, soil vapor and groundwater . . . levels above the commercial screening levels . . .". With all the chemical contamination and hazardous material remaining from previous site operations, plus the problems enhanced with the industrial warehouse and vehicles you are designating, I do not believe the Department's remedial measures will cover the health concerns of all residents surrounding the area. Added to this is the air pollution which will undoubtedly result from all the truck emissions and fumes caused by the manufacturing facility. Not only will all homeowners, children and animals be at risk for sickness and health issues in the surrounding area, but others coming to the site as well. Ground water contamination and environmental health concerns have arisen before in other areas with tragic results including:
 - Valley Center where children were dying from cancer several years ago. After extensive investigation, the researchers decided almost exclusively it was the ground water that caused the tragic results.
 - Pacific Gas & Electric (PG&E) in central California where numerous families were affected with the ground water and air pollution contamination from the industrial waste products. Although PG&E covered up the problem for several years, it eventually came to the surface and PG&E had to pay out millions of dollars to the injured families.



Page 2 of 3 in Comment Letter I6

Rob Dmohowski Oceanside City Principal Planner November 8, 2023 Page 3

In summary, I believe this Project, if approved, will lead to insurmountable traffic problems and accidents, health issues that cannot be fixed, noise and light affecting our way of life, and emergencies involving the lives of the residents, children and animals. There are many possible uses of the property which would be aesthetically pleasing to Oceanside residents without the health risks, traffic congestion, environmental problems and industrial warehouse posed by the Project. We, therefore, request that you deny approval of the DEIR and avoid costly lawsuits which will undoubtedly be filed by the homeowners and/or military against the proposer, and, possibly, the City, if the DEIR is approved and the Project goes forward.

Sincerely,

/s/ Joanne Pilgrim JP/jp

Cc: Oceanside Planning Commission
Zeb Navarro, City Clerk
Jonathan Borrego, City Manager
Esther Sanchez, Mayor
Eric Joyce, Councilmember
Rick Robinson, Councilmember
Ryan Keim, Deputy Mayor
Peter Weiss, Councilmember

16-15

Page 3 of 3 in Comment Letter I6

Response to Comment Letter 16

Joanne Pilgrim November 8, 2023

- **16-1** This comment introduces the commenter as a nearby homeowner and a member of the Oceanside Speaks Out group. No response is required.
- 16-2 This comment asks for clarification regarding the difference between the project site's zoning and General Plan designations. The comment does not offer a specific comment regarding the adequacy of the DEIR; therefore, no further response is required. Nonetheless, the project site is zoned Limited Industrial and the General Plan Land Use Designation is Light Industrial. The Limited Industrial (IL) zoning is the corresponding zoning designation for a property General Plan designated as Light Industrial (LI). The purpose of zoning district Limited Industrial (IL) is to "provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses" (City of Oceanside 2002). As outlined in Section 2.12 of the City's General Plan Land Use Element, consistent with that zoning designation, the Light Industrial land use designation objective is to "provide and protect industrial lands that can accommodate a wide range of moderate to low intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures" (City of Oceanside 2002). Thus, the two designations are consistent. Please refer to DEIR Section 4.10 for an evaluation of the project land use and planning impacts and Thematic Response 5, which further describes project compliance with the existing zoning and land use designations for the site.
- The comment offers a general opinion that the DEIR does not mitigate air quality, biological resources, cultural resources, traffic and circulation, and tribal cultural resources impacts to a less than significant level. In response, the DEIR does not support the author's opinion. Please see Table ES.5-1 in the Executive Summary of the DEIR. Please also refer to DEIR Sections 4.2, Air Quality; 4.3, Biological Resources; 4.4, Cultural Resources; 4.14, Traffic and Circulation; and 4.15, Tribal Cultural Resources for a detailed analysis of the project's impacts on these environmental topics, feasible mitigation measures where applicable, and significance determinations. All project impacts requiring mitigation were determined to be less than significant with mitigation.
- The comment offers a general opinion that the noise and light from the project would affect land values and enjoyment of the author's property. Issues related to economics (property value) and social issues (general enjoyment) are not addressed in a CEQA document. Therefore, no further response is required. Nonetheless, potential CEQA issues related to project's potentially significant impacts with respect to light and noise are analyzed in Sections 4.1, Aesthetics, and 4.11, Noise, of the DEIR. The DEIR demonstrates that project impacts would be less than significant.
- This comment and I6-6 and I6-7 speculate about traffic on area highways, project operations, traffic accidents, and autonomous vehicles. This comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Nonetheless, the DEIR addresses project related transportation impacts in Section 4.14 in compliance with CEQA's

requirements and demonstrates that project impacts would be less than significant. Please see Thematic Responses 2 and 6.

- **I6-6** Please refer to Response to Comment I6-5.
- **I6-7** Please refer to Response to Comment I6-5.
- This comment expresses opinions inconsistent with the detailed analysis in the DEIR and speculates about what might happen in the future in the event of a fire. The comment does not raise any specific issues regarding the adequacy of the DEIR; therefore, no further response is required. Nonetheless, please refer to DEIR Section 4.8, Hazards and Hazardous Materials; Section 4.13, Public Services; Section 4.14, Traffic and Circulation; and Section 4.17, Wildfire, for a discussion of the project's potentially significant impacts with respect to each of those topic areas and substantiation for the determination that project impacts would be less than significant. Please also refer to Thematic Response 1.
- This comment and I6-10 and I6-11, without evidentiary support, offer an opinion that the project would have health impacts beyond those addressed by DTSC. The DTSC actions related to the prior industrial use are disclosed and discussed in Section 4.8 of the DEIR. Further, DEIR Section 4.8, Hazards and Hazardous Materials, and Section 4.2, Air Quality, disclose and analyze the potential for significant project impacts related to the contamination that exists on the project site and project operations. Those analyses demonstrate that project impacts would be less than significant. As the comment offers argument and speculation only, no further response is required.
- **I6-10** Please refer to Response to Comment I6-9.
- **I6-11** Please refer to Response to Comment I6-9.
- The comment speculates about air quality impacts from the project. The comment does not address the information and analysis included in the DEIR relative to air quality. For example, the DEIR includes an evaluation prepared by air quality experts of the potential for the project to create air emissions or pollutants that could exceed the air district standards in Section 4.2, Air Quality. As discussed in the section, the project would exceed the San Diego Air Pollution Control District (SDAPCD) air quality thresholds for volatile organic gases (VOC) associated with short-term construction activities, shown in Table 4.2-6 on page 4.2-20 in Section 4.2 of the EIR. The impact would be mitigated to less than significant levels as shown in Table 4.2-7 on page 4.2-20. The project would not exceed the SDAPCD thresholds during project operation, as shown in Table 4.2-8 (DEIR p. 4.2-23). In addition, a construction and operation health risk assessment was prepared for the project, and that analysis shows that the project would not cause any short- or long-term significant health risks. Therefore, contrary to the opinions offered in the comment, the DEIR demonstrates the project would not result in any significant and unavoidable air quality impacts.
- This comment and I6-14 assert that groundwater contamination in areas far from the project site have had health impacts. While a true statement, the comment does not raise a specific issue with respect to the DEIR; therefore, no further response is required. However, DEIR Sections 4.9 and 4.16 address the potential for the project to have significant adverse impacts on water quality, including groundwater. That discussion and analysis demonstrate that the project would have less than significant impacts.

- **I6-14** Please refer to Response to Comment I6-13.
- The comment includes a conclusionary statement that the project will lead to traffic, health issues, and emergencies and requests the City deny approval of the project. Please refer to Responses to Comments I6-2 through I6-14 provided above. The DEIR and project record do not support the opinion offered in this comment and the comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Comment Letter 17

Gene and Carrie O'Neal 478 Tishmal Court Oceanside CA 92058 <u>Hp11325@yahoo.com</u> (769) 470-4363

Subject: Subject: Concerns Regarding Technical Memorandum and Vehicle Miles Traveled Analysis for Eddie Jones Warehouse, Manufacturing and Distribution Project, Environmental Impact Report (EIR)

November 9, 2023

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

Dear Members of the Oceanside City Council,

I hope this letter finds you well. I am writing to express my concerns regarding two critical aspects of the Eddie Jones Warehouse, Manufacturing and Distribution Project, specifically related to the "Fire Response Technical Memorandum" (Appendix K) and the "Vehicle Miles Traveled Analysis" (Appendix J) presented in the project documentation.

- 1. Fire Response Technical Memorandum (Appendix K): The Fire Response Technical Memorandum addresses Medical and Fire Services Access for the new Warehouse, focusing on the needs of incremental 590 employees. However, it appears to overlook the critical consideration of the 1200 homes North of the River, which face potential access restrictions due to physical bottlenecks at Benet and Foussat Roads. I would appreciate clarification on whether this matter is addressed elsewhere in the report. The safety and well-being of residents in this area are paramount, and it is essential that the report comprehensively evaluates and addresses the medical and fire services access for all affected communities.
- 2. Vehicle Miles Traveled Analysis (Appendix J): The introductory pages of the Vehicle Miles Traveled Analysis state that the building will be 30% Manufacturing and 70% Warehouse. However, it fails to acknowledge the potential use of the facility as a Distribution Facility, introducing truck traffic. The analysis seems to overlook the impact of trucks on the overall miles traveled in the area, focusing solely on passenger cars for the 590 warehouse employees. I kindly request clarification on whether the document addresses truck traffic elsewhere in the report. It is crucial that the analysis encompasses all potential traffic scenarios to provide an accurate assessment of the project's impact on the local transportation infrastructure.

I appreciate your attention to these concerns and trust that the City Council will carefully evaluate the potential impact of the Eddie Jones Warehouse, Manufacturing and Distribution on the community. Transparency and public engagement are key to fostering a collaborative decision-making process that reflects the best interests of all Oceanside residents.

Thank you for your time and commitment to serving our community.

Sincerely,

Gene O'Neal

17-4

17-1

17-2

17-3

Response to Comment Letter 17

Gene and Carrie O'Neal November 9, 2023

- 17-1 This comment is an introduction to comments that follow. The comment does not raise any issues with the adequacy of the DEIR, and no further response is required. Please see Responses to Comments 17-2 and 17-3.
- This comment concerns the Fire Response Technical Memorandum, included as Appendix K to the DEIR. The comment states that the Fire Response Technical Memorandum focuses on the needs of the proposed project employees but overlooks the 1,200 homes north of the San Luis Rey River. In response, the Fire Response Technical Memorandum was prepared to evaluate the impact of the project on fire service response times and service loads, taking into consideration existing facilities and land uses, including surrounding areas such as the homes identified in the comment. That report is part of the documentation utilized to evaluate the project for potentially significant CEQA impacts in DEIR Sections 4.8, Hazards and Hazardous Materials; 4.13, Public Services; and 4.17, Wildfire, as well as DEIR Chapter 6, Cumulative Effects.

Thus, the DEIR's analysis does take into consideration the homes mentioned in the comment letter and other surrounding uses when evaluating project impacts. For example, as outlined in DEIR Section 4.17, Wildfire, the project would not cause significant CEQA impacts, as the project would not require the full closure of any public or private streets or roadways during construction or operations and would not impede access of emergency vehicles to the project site or any surrounding areas. Further, the project would provide all required emergency access in accordance with the requirements of Oceanside Fire Department, as detailed in Section 4.13, Public Services, and Section 4.14, Traffic and Circulation. Similarly, Section 4.8 demonstrates that the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, nor would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Please refer to Thematic Response 1 for additional discussion regarding wildland fires and evacuations.

- This comment addresses the Vehicle Miles Traveled (VMT) Analysis prepared for the project, included as Appendix J to the DEIR. The comment offers the opinion the VMT Analysis should have analyzed the project as a different use—a Distribution Facility. In response, the commenter is mistaken. The project proposes a facility with 30% manufacturing and 70% warehouse. Nothing in CEQA or otherwise necessitates an analysis of a different development than the one proposed. The VMT Analysis properly evaluated the project with the identified mix of manufacturing and warehousing uses. Truck traffic is further analyzed in the Local Transportation Study prepared for the proposed project, included as Appendix I to the DEIR (please refer to Table 8 of Appendix I). Truck traffic during both construction and operation were analyzed as part of the project. Please also see Response to Comment O3-13 and Thematic Response 2 for additional discussion of the analysis of VMT, LTS, and truck trips.
- 17-4 This comment acts as a conclusion statement and does not raise any issues with the adequacy of the DEIR; therefore, no further response is required.

Comment Letter 18

Gene and Carrie O'Neal 478 Tishmal Court Oceanside, CA 92058 <u>Hp11325@yahoo.com</u> (760) 470-4363

November 15, 2023

City of Oceanside %Oceanside City Council %Oceanside City Planning Commissioners % Rob Dmohowski 300 N. Coast Highway Oceanside, CA 92054

Dear Oceanside City Council Member's, Planning Commissioner's,

My name is Gene O'Neal and my wife, Carrie O'Neal. I have reviewed the Draft Environmental Impact Report, Section 4.7 (Greenhouse Gases aka GHG) and Section 6.4.7 of the DIER document. I would like the city of Oceanside to consider the items I have addressed in the decision regarding the Eddie Jones Warehouse, Manufacturing, and Distribution Facility project. My family and I are opposed to the Eddie Jones Warehouse, Manufacturing, and Distribution Facility proposed in the Airport Community.

1. Increased Greenhouse Gas Emissions:

- The project is likely to contribute significantly to GHG emissions, particularly during its construction phase, with estimated annual emissions of 30.69 MT CO2e over a 30-year period.
- The increasing contribution of transportation-related emissions to Oceanside's overall GHG levels, as highlighted in Table 4.7-4 of the DIER, indicates that this project would exacerbate the existing problem. The transportation sector is a major contributor to GHGs, and the project is expected to add to this burden.

2. Air Quality and Health Implications:

- The elevated concentrations of GHGs, including CO2, CH4, N2O, HFCs, PFCs, and SF6, have been identified as a threat to public health and welfare, as per the EPA's Endangerment Finding (Massachusetts v. EPA, April 2007).
- Black carbon, a component of fine particulate matter resulting from incomplete combustion of
 fossil fuels (such as diesel engines), is a known environmental risk factor for premature death.
 The project's potential contribution to increased black carbon emissions, especially from
 construction activities, poses a direct risk to the health of the community.

Why is the "Human" factor ignored in this document?

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| | Why is the entire Airport Community, not addressed in the DEIR with regard to the affects this project will have on our residential community? | I 18-7 |
|--|---|--------|
| 4. | Violations of City General Plan: | Ī |
| | The project appears to contradict the Oceanside General Plan, specifically Policy 4.1, which emphasizes the reduction of vehicle miles traveled and the total number of daily and peak-hour vehicle trips. The project, by increasing transportation related GHG emissions, goes against the city's goal of minimizing vehicular travel and promoting sustainable transportation options. | 18-8 |
| 5. | Inadequate Environmental Assessment: | Ī |
| | The Environmental Impact Analysis in Page 4.7.23 focuses on the CAP Consistency Checklist but fails to define "environment." It does not address the potential impact of GHGs on the health and well-being of the airport community immediately north of the project. | 18-9 |
| | The prevailing air currents, indicate that GHGs emitted from the project site could directly affect the residents living north of the project, considering the predominant airflow patterns from the coast into the area along the San Luis River and into the Airport Community. | 18-10 |
| Ladies a | and gentlemen, | Т |
| evaluat impact | ng, it is imperative to highlight a critical factor often overlooked in the meticulous data-driven in of the Eddie Jones Warehouse, Manufacturing, and Distribution Project — the profound of human behavior. While statistics and environmental assessments provide valuable insights, ricacies of human actions and responses must not be underestimated. | 18-11 |
| develor Throug | er the practical implications of trucks congesting Benet Road, just south of the proposed pment, despite advisories against such behavior. Where do these trucks inevitably find their way? In our neighborhood. Human behavior, driven by convenience or necessity, can reroute the very ents and emissions the city's statistics aim to regulate. | I8-12 |
| Distribu Human in the D women | ver, rules about idling truck engines on the Eddie Jones Warehouse, Manufacturing, and ution Facility property may exist, but the cold, damp, or hot weather often dictates otherwise. behavior prevails, with engines left running, exacerbating the pollution and GHG emissions noted DEIR. This, in turn, directly impacts the Airport Community — a community comprising men, and children who now face the consequences of zoning decisions made decades before their existed. | 18-13 |

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The zoning in this area was established long before the Airport Community thrived. Decisions made at that time did not anticipate the residential landscape that would evolve over the years. When the city permitted the development of a sizable residential community, the zoning failed to adapt to the evolving human element. The lives, families, work, and well-being of the people in the Airport Community were not adequately considered.

18-14

In the pursuit of progress, we must acknowledge the lived experiences of the community members, their families, and their aspirations. The Eddie Jones Project, as it stands, neglects the human element, casting a shadow of detrimental effects on those who call the Airport Community home. Let us not only consider the numbers and regulations but also recognize the responsibility we bear for the welfare of the people who contribute to the vibrancy of this community.

18-15

Concerned,

Gene R. O'Neal Jr.

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Page 3 of 3 in Comment Letter I8

Response to Comment Letter 18

Gene and Carrie O'Neal November 15, 2023

- **18-1** This comment expresses general opposition to the project and serves as an introduction to comments that follow, but it does not raise an issue with the adequacy of the DEIR.
- This comment states that the project is likely to contribute significantly to GHG emissions, particularly during the construction phase, with estimated annual emissions of 30.69 MT CO₂e over a 30-year period. In response, the commenter is correct that the estimated annual GHG emissions from construction of the project would be 30.69 MT CO₂e per year and total project emissions (construction and operation) would exceed the CAP's 900 MT CO₂e bright-line threshold. However, as explained in detail in Section 4.7 of the DEIR and as shown in Table 4.7-7 in Section 4.7, the proposed project is consistent with the CAP Consistency Checklist adopted by the City to ensure that the GHG emission targets identified in the CAP are achieved. The CAP determined that projects consistent with the CAP Checklist would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, it was determined that the proposed project would not generate GHG emissions that may have a significant impact on the environment, and impacts would be less than significant.
- 18-3 The comment states that the increasing contribution of transportation-related emissions to Oceanside's overall GHG levels indicates that the project would exacerbate the existing problem, as shown in Table 4.7-4 of the DEIR. In response, please refer to Response to Comment I8-2. As analyzed in Section 4.7 of the DEIR, GHG-related impacts as a result of project implementation were determined to be less than significant. Furthermore, the project proposes a reduction in the number of truck bays as part of final plans. Please see Thematic Response 6.
- The comment states that elevated concentrations of GHGs including CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ have been identified as a threat to public health per the EPA's Endangerment Finding (Massachusetts v. EPA, April 2007). In response, an Air Quality and Greenhouse Gas Emissions Technical Report was prepared for the project by technical experts (Appendix B to the DEIR). Section 4.7 of the DEIR was prepared based on the findings of the Air Quality and Greenhouse Gas Emissions Technical Report. Please refer to Responses to Comments I8-2 and I8-3 for responses related to project consistency with the CAP Consistency Checklist adopted by the City and the determination that project impacts related to GHG emissions would be less than significant. This comment does not raise a specific issue with the adequacy of the DEIR.
- This comment expresses concern regarding black carbon and the related risk factor for premature death. The comment states that the project has the potential to contribute to increased black carbon emissions, which pose a direct risk to the surrounding community. In response, black carbon is addressed in both the Air Quality and Greenhouse Gas Emissions Technical Report (Appendix B to the DEIR) and Section 4.7 of the DEIR. As explained in Section 4.7 of the DEIR, the California Air Resources Board (CARB) estimates that annual black carbon emissions in California were reduced by 70% between 1990 and 2010, with 95% control expected by 2020, in part due to CARB's regulations pertaining to diesel engines, diesel fuels, and burning activities. Please refer to Responses to Comments I8-2 and I8-3 related to project consistency with the CAP Consistency Checklist adopted by

the City and the determination that project impacts related to GHG emissions would be less than significant. This comment does not raise a specific issue with the adequacy of the DEIR.

- This comment questions why the "human" factor is ignored in the DEIR. In response, CEQA requires an analysis of physical impacts to the environment. The DEIR includes adequate analysis under CEQA for human impacts, as well as impacts that physical changes of the project may have on a community, including in EIR Section 4.1, Aesthetics; Section 4.2, Air Quality; Section 4.7, Greenhouse Gases; Section 4.8, Hazards and Hazardous Materials; Section 4.11, Noise; Section 4.12, Population and Housing; Section 4.13, Public Services; Section 4.16, Utilities and Service Systems; Section 4.17, Wildfire; Chapter 6, Cumulative Effects; and Chapter 7, Other CEQA Considerations.
- 18-7 The comment asks why the entire airport community is not addressed in the DEIR with regard to the effects the project will have on the residential community. In response, the DEIR analyzed all direct, indirect, and cumulative impacts to the project area of effect. Impacts to the closest sensitive receptors, including the residential community north of the project across the San Luis Rey River, were analyzed across various areas of the DEIR, including Section 4.1, Aesthetics; Section 4.2, Air Quality; Section 4.7, Greenhouse Gases; Section 4.8, Hazards and Hazardous Materials; Section 4.11, Noise; Section 4.14, Traffic and Circulation; Section 4.17, Wildfire; and Chapter 6, Cumulative Effects. All identified impacts are determined to be less than significant or would be reduced to less than significant with mitigation measures incorporated.
- 18-8 This comment expresses concern regarding project conflict with the City's General Plan Policy 4.1 related to VMT, as well as the project's increase in GHG emissions. As outlined in Table 4.10-1 in Section 4.10 of the DEIR, the project's consistency analysis with General Plan Policy 4.1 determined that project implementation of MM-TRA-1 would reduce vehicle trips to and from the site, in addition to preparation of a TDM plan as required by Article 30, Section 3050, of the Zoning Ordinance. Please refer to Section 4.14 of the DEIR for a detailed analysis related to project VMT, and please refer to Section 4.7 of the DEIR for a detailed analysis related to GHG emissions.
- The comment states that the DEIR, on page 4.7-23, focuses on the CAP Consistency Checklist but fails to define "environment" and that the DEIR does not address the potential impact of GHGs on the health and well-being of the airport community immediately north of the project. As discussed in the DEIR, a GHG is any gas that absorbs infrared radiation in the atmosphere; in other words, GHGs trap heat in the atmosphere. GHGs include, but are not limited to, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone (O₃), water vapor, hydrofluorocarbons (HFCs), hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).⁴ Some GHGs, such as CO₂, CH₄, and N₂O, occur naturally and are emitted to the atmosphere through natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. This heat trapping causes changes in the radiative balance of the Earth, the balance between energy received from the sun and emitted from Earth, that alter climate and weather patterns at global and regional scales. These global and regional impacts would include impacts to the airport community immediately north of the project, the City of Oceanside, and the greater area. Section 3.1 of DEIR Appendix B, Air Quality and Greenhouse Gas Emissions Technical Report, provides the environmental setting for GHG

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California Health and Safety Code 38505 identifies seven GHGs that the California Air Resource Board is responsible to monitor and regulate to reduce emissions: CO2, CH4, N2O, SF6, HFCs, PFCs, and NF3.

emissions and GHG substances, global warming potential, and potential effects on the environment (climate change).

As discussed in the DEIR, the CAP Consistency Checklist is used to determine significance in accordance with CEQA Guidelines Section 15183.5; therefore, the CAP Consistency Checklist was used to evaluate the proposed project's significance with respect to GHG emissions. Applicants can choose to conduct project-specific GHG emissions analysis to demonstrate compliance with the City's significance threshold or choose to conform to the requirements consolidated in the CAP Checklist. Projects greater than 900 MT CO₂e and greater than 3.5 MT CO₂e per service population would be required to show CAP Checklist consistency. The project demonstrates consistency with the CAP Checklist; therefore, no revisions are required, and no further response is necessary.

The comment states that the prevailing air currents indicate that GHGs emitted from the project site could directly affect the residents living north of the project. As discussed in the DEIR, a GHG is any gas that absorbs infrared radiation in the atmosphere; in other words, GHGs trap heat in the atmosphere. This heat trapping causes changes in the radiative balance of the Earth, the balance between energy received from the sun and emitted from Earth, that alter climate and weather patterns at global and regional scales. These global and regional impacts would encompass impacts to the airport community immediately north of the project, the City of Oceanside, and the greater area. Therefore, potential impacts to the airport community immediately north of the project are included in the analysis of potential effects of climate change performed in the DEIR.

In addition, the DEIR air quality analysis and health risk assessment demonstrated that the project would not result in a significant impact to the residents living north of the project. Therefore, no revisions are required, and no further response is necessary.

- **18-11** This comment expresses concern regarding impacts of human behavior. The comment does not raise an issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required or provided.
- 18-12 This comment expresses concerns regarding trucks congesting Benet Road and entering the neighborhood north of the project site. In response, please refer to Section 4.14 of the DEIR, which describes associated truck routes to and from the project. The comment does not raise an issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required or provided.
- 18-13 This comment expresses concern regarding idling trucks and associated GHG emissions. In response, please refer to Section 4.7 of the DEIR, which analyzes project GHG emissions in detail. Please also refer to Appendix B of the DEIR for additional detail related to air quality and GHG emissions associated with the project. The comment does not raise an issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required or provided.
- 18-14 The comment expresses concerns related to the existing zoning of the site and the relationship between the project site and the residential community to the north. As noted in the comment, the project site zoning and General Plan land use designation were established for the site and surrounding industrial area long before the residential community to the north was developed. The project is consistent with the site zoning, consistent with the previous development on site, and

compatible with the adjacent land use of the Oceanside Municipal Airport. The comment does not raise an issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required or provided.

18-15 The closing comment expresses general concern about project impacts on the residential community to the north. The comment does not raise an issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required or provided.

Comment Letter 19

Hayley Ward

From: Nick Torelli <nicktorelli52@gmail.com>
Sent: Wednesday, November 15, 2023 4:54 PM

To: Robert Dmohowski; Esther Sanchez; Zeb Navarro; Eric Joyce; Rick Robinson; Peter Weiss;

Planning-Planning Commission; City Manager; Ryan Keim

Cc: oceansidespeaksout@gmail.com

Subject: No on EJ project

Follow Up Flag: Follow up Flag Status: Flagged

Warning: External Source

Dear Honorable Mayor, Deputy Mayor, Council Members, Manager, Clerk, and the Oceanside Planning Commission.

My name is Nick Torelli and I am a district 1 resident. I am writing today to communicate to City Personnel that I am strongly opposed to the Eddie Jones Warehouse Project. Though I am not in the immediate airport neighborhood area, I will suffer the impacts of the project, which are many.

Negative impacts:

Traffic

Noise pollution

Eye pollution

Pollution pollution

Nominal monetary benefits to city and out of step with other approved projects

Above all it is unsafe for residents in proposed effected area due to limited egress and ingress during a fire season, that essentially runs all year long, and for medical personnel to get in and out in a medical emergency.

I listened to many of the folks sporting blue explaining to Council and Planning clearly why this project is not good for Oceanside and Oceanside residents. For whom then is it good for? I, along with many residents are not against development, we just want responsible and honest developers. Oceanside is up and coming, and in Johnathan Borrego's words, it is a city that has some pretty streamlined planning processes in place in comparison to many other jurisdictions, so it is relatively easy to attract developers here. With that in mind I urge the city to deny this project when the time comes and hold out for a more on brand, resident backed

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development, something light on negative impacts and weight forward in regards to job opportunity and income for the city.

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Thank you all for your time and consideration.

Nick Torelli

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Response to Comment Letter 19

Nick Torelli November 15, 2023

- **19-1** The comment serves as an introduction to the comments that follow and states the commenter's opposition to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- This comment states without any supporting information that the project would create "negative impacts" in regard to "traffic, noise pollution, eye pollution, pollution pollution, [and] nominal monetary benefits to city and out of step with other projects." The comment does not address the DEIR's analysis of the relevant CEQA topic areas including air quality in Section 4.2, greenhouse gases in Section 4.7, hazards in Section 4.8, noise in Section 4.11, and traffic in Section 4.14. The analysis demonstrates that project impacts would be less than significant or would be reduced to less than significant with mitigation. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 19-3 The comment offers an opinion about potential access during fire season and medical emergencies. Please refer to Responses to Comment Letter O4 and Thematic Response 1, which address those topics.
- 19-4 This comment and I9-5 recommend the City not approve the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **19-5** Please refer to Response to Comment 19-4.

Comment Letter I10

Eddie Jones 4.2 Air Quality

4.2.1 page 4.2-2 Air Pollution Climatology. The following excerpt supports our opposition to the project due to the increased CO concentrations due to the increased vehicle operations,

During the fall and winter, air quality problems are created due to carbon monoxide (CO) and oxides of nitrogen (NOx) emissions. CO concentrations are generally higher in the morning and late evening. In the morning, CO levels are elevated due to cold temperatures and the large number of motor vehicles traveling. Higher CO levels during the late evenings are a result of stagnant atmospheric conditions trapping CO in the area. Since CO is produced almost entirely from automobiles, the highest CO concentrations in the SDAB are associated with heavy traffic.

4.2.1 page 4.2-2 Sensitive Receptors. The following paragraph supports our opposition to the project. Specifically, the distance noted (2 km from SLR encompasses the entire neighborhood north of the airport),

People who are considered sensitive receptors may experience reduced visibility, eye irritation, and adverse health impacts, which are the most serious hazards of existing air quality conditions in the area. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution, as identified by the California Air Resources Board (CARB), include children, the elderly, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, retirement homes, health clinics, and hospitals within 2 kilometers of the facility. The closest sensitive receptors to the project site are single-family residences approximately 0.15 miles north, across the San Luis Rey River.

4.2.1 page 4.2.11-12 Air Quality Monitoring Data. The concern with paragraph and accompanying table 4.2-3 is that Camp Pendleton was only used for O3 and NO2 data and El Cajon was used for the remainder (CO, SO2, PM10, and PM 2.5). The distance between the two locations is approximately 47 miles which is a significant distance and does not provide accurate information germane to our neighborhood.

4.2.4 page 4.2-17 Impacts Analysis

As stated on the Oceanside Chamber of Commerce webpage, the Oceanside Industrial Park was intended to "attract light manufacturing and industry."

 $\underline{\text{https://www.oceansidechamber.com/oceanside-blog/history-of-oceansides-first-industrial-park}}$

The DEIR states "If a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the SIP and RAQS and may contribute to a potentially significant cumulative impact on air quality. The City of Oceanside General Plan identifies the site as Industrial. The existing land use designation and

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zoning allows for wide range of industrial uses, including warehouse, storage and distribution facilities. The proposed project is consistent with the underlying land use and zoning for the project."

I10-4 Cont

1. The General Plan designation for the property is Light Industrial (LI), with the associated zoning category of Limited Industrial (IL). This is in conflict with the definition provided on the City of Oceanside website. It states, "IL Limited Industrial District. To provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses. https://www.ci.oceanside.ca.us/home/showpublisheddocument/4022/637953037195830000

110-5

Therefore, I disagree with the last sentence that this project 1) is in the spirit of the intended use and 2) will not have a significant impact on the air quality

4.2.4 Operational Emissions, page 4.2-20. The DEIR changes the measurement from the comparison table (4.2-3) to their estimated impact tables (4.2-4 through 4.2-8). The comparison table provides information in parts per million (ppm) and the estimated impact tables provides information in pounds per day. While they may be within local and state standards, the information does not show the actual increase/impact. Just because the emissions are within standards does not mean the project will not have an adverse effect on the current residents and businesses.

110-6

Page 4.2-25 The SCAQMD conducted CO modeling for the 2003 Air Quality Management Plan 2003) for the four worst-case intersections in the South Coast Air Basin. What the DEIR fails to detail is the size of the roads/intersection. Wilshire Blvd and Veteran Ave: Wilshire Blvd is a six-lane road and Veteran Ave is a four-lane road in an urban environment. Sunset Blvd is a four-lane road and Highland Ave is a four-lane road in an urban environment. La Cienega Blvd is a six-lane road and Century Blvd is a six-lane road in a n urban environment. Long Beach Blvd is a six-lane road and Imperial Hwy is a six-lane road in an urban environment.

110-7

Comparing the air quality impact to two-lane residential roads that intersect with Highway 76 in a suburban environment is not a commensurate comparison.

Page 2 of 2 in Comment Letter I10

Response to Comment Letter I10

Kimberly Johnson November 17, 2023

- The comment states that an excerpt from DEIR Section 4.2.1, subheading Air Pollution Climatology, page 4.2-2, supports opposition to the project due to the increase of CO concentrations due to increased vehicle operations. However, Section 4.2.1 of the DEIR provides general discussion of CO concentrations and not project impacts. On page 4.2-23 of the DEIR, a CO hotspots analysis is provided, demonstrating that the proposed project would not generate traffic that would contribute to potential adverse traffic impacts that may result in the formation of CO hotspots. Based on these considerations, the project would not expose sensitive receptors to substantial CO concentrations; impacts based on CO exposure would be less than significant. Therefore, no revisions are required, and no further response is necessary.
- The comment states that an excerpt from DEIR Section 4.2.1, subheading Sensitive Receptors, page 4.2-2, supports opposition to the project. However, Section 4.2.1 of the DEIR provides general discussion of sensitive receptors in the area and not project impacts. Section 4.2.4 of the DEIR provides the project impact analysis including construction and operational health risk assessments (HRA) of sensitive receptors including the single-family residences north of the project. As demonstrated, construction and operation of the project would not expose sensitive receptors to substantial pollutant concentrations; impacts would be less than significant. Therefore, no revisions are required, and no further response is necessary.
- The comment states that because the distance between the two monitor stations is approximately 47 miles that the data is not germane for the neighborhood. Please refer to Response to Comment 09-61. At the time of the air quality analysis for the DEIR, the closest monitoring station to the project site with available data for carbon monoxide (CO) and particulate matter (PM₁₀, PM_{2.5}) was the First Street El Cajon monitoring station. However, recent data including PM₁₀ and PM_{2.5} from years 2023 and 2022 from Camp Pendleton and CO data from Rancho Carmel Drive for years 2021 through 2023 is now available. This data demonstrates comparable concentrations of these pollutants to those from the First Street El Cajon data provided in the DEIR. Accordingly, Table 4.2-3 on page 4.2-12 in Section 4.2 of the DEIR accurately summarizes relevant and recent 3-year local ambient air quality conditions applicable to the project area. Therefore, no revisions are required, and no further response is necessary.
- The comment references text in Section 4.2 of the DEIR. The comment does not raise any specific issues with the adequacy of the DEIR, and therefore no further response is required.
- This comment expresses an opinion about the DEIR's land use consistency analysis. Please refer to Thematic Response 5, above.
- The comment states that just because the emissions would be within standards does not mean the project would not have an adverse effect on the current residents and businesses. Please refer to Response to Comment 09-63 for further analysis regarding the effect of air emissions on current residents and businesses.

The comment states that comparing air quality impacts to two-lane residential roads that intersect with State Route 76 in a suburban environment is not a commensurate comparison. Please refer to Response to Comment 09-69 and Thematic Response 2 for an explanation of the traffic analyses.

Comment Letter I11

Robert Dmohowski

From: Carol McConnell <cmcconnell4444@gmail.com>

Sent: Monday, November 20, 2023 12:27 PM

To: Robert Dmohowski

Subject: Draft EIR Feedback - EDDIE JONES PROJECT

Warning: External Source

Hello Rob-

I hope you're doing well.

The Biological section describes in detail the impacts on plants and wildlife that will be sustained during the +/12 month construction process.

Examples are things like fugitive dust affecting plant respiration, phytotoxic gaseous pollutants, etc.... AND, Possible release of fuels, oils, lubricants, paints, other construction materials that may affect neighboring plants and wildlife.

The report repeatedly mentions plants and wildlife, but there is NO ANALYSIS of how it will affect the young people outdoors at the Skate Park (immediately downwind from the construction site.) Or, the people exercising / bicycling along San Luis River Trail; these PEOPLE will be inhaling all of these contaminants as they walk, run, bicycle immediately adjacent to the site.

**** The OUTDOOR HUMAN RECREATIONAL impact is completely missing from this Draft EIR. ****

This is a huge oversight that the City needs to address. That is, both the short term impacts during the +/- 12 months of construction AND the long term permanent exposure to pollutants of people outdoors, exercising at the Skate Park and immediately adjacent Recreation Trail.

Thank you,

Carol McConnell Oceanside Resident 111-1

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Carol McConnell November 20, 2023

- I11-1 The comment notes that the biological resources section of the DEIR acknowledges that project construction has the potential to generate dust, pollutants, and other construction-related effects. The comment does not recognize that the project's potential biological resource impacts would be less than significant with mitigation nor does the comment raise any issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 111-2 The comment offers the opinion that the DEIR does not evaluate how the project would impact users at the skate park or people using the San Luis Rey River Trail. Please refer to Thematic Response 4 as it addresses those topics and the analysis required by CEQA.
- **111-3** The commenter states the DEIR does not evaluate the "outdoor human recreational impact." It is not clear from the comment what is meant by an outdoor human recreational impact. However, please refer to Thematic Response 4 above.
- I11-4 The comment is referencing concerns raised in comment I11-3 and expresses concerns related to operational impacts of the project. Please see Response to Comment I11-3 provided above and refer to Thematic Responses 4 and 7. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Robert Dmohowski

From: Rick Taylor <rkt.sce@gmail.com>

Sent: Tuesday, November 21, 2023 9:29 AM

To: Robert Dmohowski; Esther Sanchez; Ryan Keim; Peter Weiss; Rick Robinson; Eric Joyce;

Planning Web; City Manager, Planning-Planning Commission;

ocean side speaks out @gmail.com; eddie jones warehouse @gmail.com; Jonathan Borrego

Subject: EDDIE JONES WAREHOUSE AND MANUFACTURING

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

VOTE NO!

To involved city staff, council,

I have contacted the city on this project a few times in the last several months, and now the draft EIR is out and I will attempt to review its \$400+ pages. Hopefully my prior emails have been read by all and their content is understood and remembered. This is not a good project for this site.

First, I wish to address the CUP, (as far as I understand it.)

- 1. This project is to be constructed and zoned for a maximum of 6 trucks as per the draft EIR. . This project is requesting 114 trucks, with an additional 60 truck parking spaces. It also includes 590 additional parking spaces for personal vehicles. That is an astronomical request.
- 2. Projects along the river are required to be made to be above the floodplain. This project is requesting to build flood walls around the property instead. According to the developer, those will be 7 to 9 foot walls around the entire perimeter of the property. That will be a visual eyesore.
- 3. The site is zoned "light industrial" or "limited industrial". I am not sure how Oceanside defines those terms but these are from the internet. This project is way beyond these definitions.

<u>Light industrial</u>: means buildings used solely to house industrial use that are not more than one story in height and not exceeding 10,000 square feet in gross floor area, or are not more than two stories in height and not exceeding 6,000 square feet in gross floor area:

<u>Light industrial</u>: means uses characterized by a mix of manufacturing (small items), service, and warehouse facilities in the same building with a wide variation in the proportion of each type of use. Examples of light industrial uses include materials testing laboratories, assembly of data processing equipment, contractor offices, cabinetry work, machine shops, management services, photocopying services, software publishing/production, engineering/architectural services, and electronic/computer component production.

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112-4

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If this project is light industrial, you have to ask, "why is this project so large, and why are there 114 truck loading docks? 112-5 3. Supposedly, if a project will be a detriment to the value of the properties around it, it is not approvable. This facility and its use and traffic will reduce local values. 4. There was a mention that the site redevelopment should use existing trees in the design of the site. This didn't happen. It should be noted that there were over 3 dozen trees on the site that were removed. Several were large trees that housed local animals and birds, including hawks. Many of the larger ones were on the northern property line and could have, should have, been saved. A conversation of why this isn't a good fit. 1. This project is 566,280 square feet.. That is 13 acres of building, or in another perspective, including the end 112-7 zones, around 10 football fields. It is also 45 feet tall, which could be a 5 story building, at the least a 4 story. It will also have a 7 to 9 foot tall flood wall around its nearly 32 acres. That's nearly a mile of wall. It will be over 25 acres of asphalt and concrete. There's not another facility along the San Luis Rey River (possibly in all of Oceanside) that even resembles this monstrosity. 2. Based on the site and building/architectural plans, this project will be a warehouse and distribution center and will more than likely run 24 hours a day, 7 days a week. (Even if manufacturing, that is more than likely). So not 112-8 only will we have dozens to hundreds of trucks daily and around the clock, there will be shift changes creating two to three times the traffic throughout the day. As proposed, all the trucks will be on Benet, personal vehicles, Foussat. A mess. 3. The 76 is already "not" an expressway. It has signal lights along its entire length and at any time of day you can sit through three or four, or more, light changes to move (Rancho Del Oro, College, Santa Fe to name a 112-9 few), and even at Benet (the road slated for all truck traffic), traffic can be backed up west past Canyon Road, and the north I-5 exit can be backed up to the east to Loretta. 4. At Benet Road, the road for all truck traffic from the site(Eddie Jones Way), to the 76, it is only around 700 to 800 feet in distance. Trucks in California are allowed to be up to 75 feet long with truck and trailer. With a 112-10 safety zone between trucks, perhaps 7 to 8 trucks will fill the road, and local traffic will be in that mix/mess or backed up across the river. And the turn lanes are even shorter. 5. The acceleration of trucks is also a large problem. If you're behind any number of trucks turning to the 76 or vice versa, there's a high likelihood you won't make the turn. And on the 76 itself, imagine dozens to hundreds 112-11 of additional trucks vying for space and slowly accelerating at each light. The 76 will become more of a parking lot than it already is. 6. Realizing this will be a 24/7 facility you have to rethink not only the traffic, but the night light, the noise, the pollution. The facility has numerous windows for use of daylight, but those will also throw light out during the night operations. The trucks and shift changes require headlights at night, as well as a well lit parking lot for employee safety. The noise at night will also be an issue as the open doors during loading or for ventilation will 112-12 allow the interior work to be heard, the back-up beepers of trucks and forklifts, and the noise from any diesel vehicle will disturb the night. And, with most, if not all, the trucks being diesel, as well as some personal vehicles, plus the possible hundreds of trucks a day and personal vehicles at shift changes, the air pollution can not be ignored. 7. Having spoken to several realtors about the project, they all concur that having to deal with only two access roads and the possible hundreds of more vehicles on Foussat and especially the possible hundreds of trucks on 112-13 Benet, the value of the cross river real estate will be reduced and people will look to other areas. The influence on the 76 will be a large part of this issue as well. That should be another reason this project is not approvable. 8. The area around the site is filled with open space: the river, the open space to the west of Benet, the undeveloped properties along Alex Road, the canyon north of the east end of Airport Road and all the open 112-14 space surrounding the north river community (over 1,200 homes) by city open space and Camp Pendleton. How will fires and exiting be dealt with should all the citizens, trucks and employees be on the only two roads?

Page 2 of 3 in Comment Letter I12

9. What is the criteria should the tenant utilize hazardous materials or combustible/explosive ones? Will it be allowed?

112-15

10. It still amazes me that projects are only required to notify properties within 500 feet of a development with the intent to build. For this project, due to north of river housing and the adjacent airport it was expanded to 1500 feet. That still only informed a few dozen homes north of the river and a few businesses along the airport/Airport Road.

If the remainder of north Oceanside, or the citizens of Bonsall, Fallbrook, Vista, and even San Marcos and Carlsbad, that use the 76, were informed of this project, there would be a lot more opposition.

I hope this correspondence gives light to the fact that this project should not have its CUP approved and isn't the right project for this location.

Thanks for your time. If you wish to discuss this, feel free to contact me.

Rick Taylor 735 Valley Crest Drive Oceanside, CA 92058 rkt.sce@gmail.com 760 274 4700 112-17

3

Rick Taylor November 21, 2023

- This comment expresses general opposition to the project, but it does not raise any specific issue with the adequacy of the DEIR. Section 15088(a) of the CEQA Guidelines requires that a lead agency evaluate and respond to comments raising significant environmental issues on the DEIR. Because this comment does not raise environmental issues, no further response is required. Please see response to comments that follow.
- This comment restates information contained in the DEIR, particularly about the CUP and the request for additional parking spaces and truck bays. Please refer to Thematic Response 5, which explains the CUP request, as well as Thematic Response 6, in which truck bays are discussed. This comment expresses the opinions of the commenter but does not raise any specific issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required or provided.
- The comment states that projects along the river are required to be made to be above the floodplain, and that the project is requesting to build flood walls around the property instead, which will be an eyesore. In response, as outlined in Section 4.9 of the DEIR, the project site is in a Special Flood Hazard Area, as designated by FEMA in Flood Insurance Rate Map number 06073C0751H. The entire project site is within an A99 designation, which is defined as "Areas subject to inundation by the 1-percent-annual-chance flood event, but which will ultimately be protected upon completion of a Federal flood protection system. The Federal flood protection system has not yet been certified by FEMA. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes" (FEMA 2020). A 1% annual chance of flooding is also known as a 100-year flood. Mandatory flood insurance requirements and floodplain management standards and regulations apply to all parcels located within Zone A99.

In this case, the federal flood protection system consists of the levees that have already been constructed along the San Luis Rey River. As demonstrated in the hydrology and hydraulics report (Appendix E), with the levees in place, the water surface elevation at the project site during a 100-year flood would remain the same in both the existing and proposed conditions (22.39 feet, NAVD 88). The proposed project would not increase water surface elevation. In addition, a perimeter wall would also be incorporated around the boundary of the entire project site as a flood protection feature. The wall would be a solid decorative masonry block wall system that would complement the adjacent landscaping and serve as screening around the perimeter of the site. The perimeter wall included as part of the project is a condition of City approval of the project.

In compliance with Policy 6.3 of the City's General Plan, and as required by applicable law, the project is subject to required review to ensure that the project complies with flood protection measures required by the National Flood Insurance Program.

This comment expresses an opinion about the DEIR's land use consistency analysis as it relates to the project site's zoning and internet definitions of Light Industrial zoning. In response, please refer to Thematic Response 5.

- This comment expresses concern regarding the size of the project, particularly with regard to the truck loading docks. The comment also states that if a project will be a detriment to the value of the properties around it, it is not approvable. In response, please refer to Thematic Response 6, which discusses the reduction in truck bays as part of final site planning. Additionally, please refer to Thematic Response 7, which explains that CEQA requires an analysis of a project's potentially significant physical impacts on the environment and not whether a project might impact home values. The comment does not raise any specific issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required or provided.
- This comment states that there were dozens of trees removed from the project site. In response, the project site as it existed at the time the DEIR was prepared was heavily disturbed and did not include any native trees on site, though some ornamental trees existed within the disturbed habitat area. Ornamentals in this area include species such as native Fremont cottonwood and velvet ash and nonnative species such as Eucalyptus sp. and Acacia sp. As stated in the DEIR, the City of Oceanside regulations mandate a 1:1 replacement. Whenever a tree is removed, it is a requirement to replace it with a new tree of equivalent trunk diameter and brown trunk height. This rule ensures that there is no reduction in the total number or size of trees, maintaining the integrity of the urban tree population. The tree count in the proposed project's landscape plan exceeds the requirements of the City.
- The comment provides general opposition to the size and scale of the building and associated features. The comment does not raise specific issues with the adequacy of the DEIR, and therefore no further response is required.
- The comment speculates about the potential 24/7 operation of the site and associated truck traffic. Please refer to Thematic Response 3, which discusses comments raised about the future tenant of the project site, and please refer to Thematic Response 6 regarding truck bay reduction as part of final project plan approval. The comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- 112-9 The comment expresses concern with existing traffic on State Route 76. The comment does not raise any specific issue with the adequacy of the DEIR, and no further response is required.
- This comment is regarding the distance between Benet Road and State Route 76, arguing that trucks would fill the road and back up traffic from the neighborhood to the north. As analyzed in DEIR Section 4.14, implementation of the proposed project would result in an unacceptable LOS at Intersection No. 5 SR-76/Benet Road under Near-Term (Existing + Cumulative + Project) and Horizon Year 2030 plus Project conditions. Although not a CEQA transportation impact area, the approved LTS (DEIR Appendix I) analyzed the segment operations of Benet Road and the intersection operations of Benet Road at SR-76. The addition of traffic to Benet Road and the intersection of Benet Road at SR-76 would not result in a non-CEQA level of service traffic impact under existing plus cumulative projects plus project conditions. The comment that trucks would fill the road is speculative and inconsistent with the expert analysis included in the Final EIR. Potential impacts to State Route 76 were fully analyzed and disclosed in the DEIR; please also refer to Thematic Response 2.
- The comment expresses concern related to truck traffic on State Route 76 and turning onto State Route 76. Please refer to Response to Comment I12-10. Please also refer to Thematic Response 2 and Response to Comment Letter A3.

- The comment expresses concerns regarding light, noise, and air pollution associated with project operation, specifically during nighttime hours. Please see Responses to Comments A1-8, A4-18, and O3-15.
- This comment expresses opposition to the project due to the potential decrease in property values as a result of project traffic impacts. In response, please refer to Thematic Response 2 regarding traffic and Thematic Response 7 regarding property values.
- The comment expresses concern regarding the amount of open space around the project site as it relates to fire and concerns regarding evacuation for the homes to the north with only two roads serving the area. In response, please refer to Thematic Response 1, regarding evacuation.
- The commenter asks what criteria would be followed should the tenant utilize hazardous materials or combustible/explosives. In response, please refer to Thematic Response 3 regarding the future tenant of the site. As outlined in Section 4.8 of the DEIR, industrial-grade chemicals for day-to-day operations could be stored on the project site. Storage would be required to comply with the guidelines established by the manufacturer's recommendations. Consistent with federal, state, and local requirements, the transport, removal, and disposal of hazardous materials from the project site would be conducted by a permitted and licensed service provider. With mandatory regulatory compliance, and given the nature of the proposed use, operations of the project operations would not result in a significant impact related to hazardous substances.
- The comment objects to the notification radius used by the City for development projects. In response, project notification mailers were distributed per CEQA and City requirements. The comment does not raise any specific issues regarding the adequacy of the DEIR, and no further response is required.
- This comment provides concluding remarks regarding opposition to the project and the request to not approve the CUP. The comment does not raise environmental issues concerning the adequacy of the DEIR. No further response is required or provided.

Robert Dmohowski

From: GT Wharton <gtwharton@gmail.com>
Sent: Monday, November 27, 2023 10:25 AM

To: Robert Dmohowski

Subject: Re: Eddie Jones Project in Oceanside

Warning: External Source

Dear Mr. Dmohowski,

I'm writing as an Oceanside resident, Oceanside small business owner, and advocate for a better and safer Oceanside. I would like to express my strong opposition to the Eddie Jones project, which just released its draft environmental impact report (EIR). The draft EIR downplays this massive warehouse's negative impact on the natural environment and the residential community nearby. The massive uptick in traffic alone that these commercial semi-trucks will create should be enough to reject such a project. But the uptick in noise pollution and air pollution along the San Luis Rey River ecosystem and nearby 1,200 homes are arguably worse side effects of such a mega project. We cannot allow such a project to be built in such close proximity to wildlife habitat and neighborhoods.

I urge you to please reconsider this project.

Thank you,

Gerold "GT" Wharton

113-1

113-2

113-3

Gerold "GT" Wharton November 27, 2023

- This comment serves as an introduction to comments that follow below and also expresses general opposition to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- This comment expresses offers an opinion that the number of truck trips is reason enough for the City to deny the project. The comment does not raise any specific issues concerning the adequacy of the DEIR. However, the DEIR adequately analyzes and discloses the project's potential significant transportation impacts (DEIR Section 4.14). Therefore, no further response is required.
- This comment offers a general statement about the potential for air and noise pollution to impact the San Luis Rey River and surrounding areas and requests the City reconsider the project. The DEIR evaluates the potentially significant air quality and noise impacts due to project construction and operation in Sections 4.2 and 4.11. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Robert Dmohowski

From: Lyndsay Viripaeff <lyndsayprice@gmail.com>
Sent: Monday, November 27, 2023 10:52 AM

To: Robert Dmohowski

Subject: Eddie Jones warehouse project 567,000 sq ft near airport

Warning: External Source

Hello,

I am an Oceanside resident (we own and occupy our home at 1839 S Ditmar St, 92054) and I am writing to express my thoughts on the proposed 567,000 sq ft warehouse project that is being proposed near the Oceanside airport.

I am very against this development due to the increased noise, traffic, and pollution it will likely bring. I have a 5 year old who recently started kindergarten at Foussat Elementary School (we are doing the Spanish immersion program through OUSD so are unable to attend our local elementary school, South O, as the only elementary schools in the district that currently offer this program are within a mile or two of this proposed warehouse site, Foussat Elementary and Pablo Tac Elementary). Adding traffic to our morning drive to and from school is obviously not ideal (driving 20 min to and from campus twice daily is a lot to begin with but we feel the Spanish immersion is worth it and unique to OUSD), not to mention the increase in air pollution.

I also heard that this proposed warehouse is likely to house Amazon in some capacity and Amazon is the antithesis to small business success and the local charm I feel like Oceanside should be advocating for. Oceanside residents have already voiced their loud opposition to Amazon warehouses in our city and this feels like an underhanded, sneaky way to trick residents into having this slide under the rug.

Please let me know if there's any other avenues in which to voice my thoughts on this.

Thank you so much for your time and consideration.

Sincerely,

Lyndsay Viripaeff

114-1

114-2

114-3

Lyndsay Viripaeff November 27, 2023

- This is an introductory comment where the commenter states they are an Oceanside resident. The comment does not raise any specific issue with the adequacy of the DEIR; therefore, no further response is required.
- The comment expresses opposition to the project and states general comments about increases in traffic and pollution impacting the drive to their child's school. In response, project impacts related to traffic and air pollution were considered and analyzed as part of the DEIR. Please refer to Sections 4.2 and 4.14 of the DEIR. Additionally, please refer to Thematic Response 2 for more information on how traffic was analyzed in the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenter also expresses objection to the project based on the assumption that Amazon would use the facility. In response, a tenant for the proposed project has not been identified and is not relevant to the CEQA analysis. Please refer to Thematic Response 3 for additional discussion of this type of comment. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Robert Dmohowski

From: Daniel Mora <mora054@cougars.csusm.edu>
Sent: Monday, November 27, 2023 10:22 AM

To: Robert Dmohowski

Subject: Important: Opposition to Eddie Jones warehouse

Warning: External Source

Morning Robert,

I am a long term Oceanside Resident (born and raised). I have recently become aware of the plans to build this warehouse near the Oceanside airport.

I am writing this email AGAINST the construction of this warehouse. We do not need anymore traffic in our area. The 76 was initially built with the intent to help mitigate traffic and is already full enough.

We DONT NEED ANYMORE TRAFFIC. Please keep Oceanside the small town/city it was meant to be

15-1

115-2

Daniel Mora November 27, 2023

- This is an introductory comment. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- This comment expresses opposition to the project and states the area does not need more traffic. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please refer to Section 4.14 of the DEIR, which analyzes project related traffic in detail.

Robert Dmohowski

From: Bryan Fisher

Sent: Bryan Fisher

Monday, November 27, 2023 2:17 PM

To: Robert Dmohowski
Subject: Amazon facility

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

As a long time resident and loyal local to my beloved city of Oceanside... I BEG you do not allow Amazon to build here. The 76 is already a nightmare and needs to be the focus of any major developments in our city! There are plenty of other cities they can choose to build their warehouses in, but NOT HERE! Our city doesn't need this.

Bryan Fisher

116-1

Bryan Fisher November 27, 2023

This commenter states they are a long-time resident of Oceanside and expresses opposition to the project, particularly due to the functioning of SR-76 and the potential for Amazon as a tenant. Please refer to Thematic Response 3, which addresses objections based on future tenants. Additionally, please refer to Section 4.14 of the DEIR, which analyzes project-related traffic in detail. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Robert Dmohowski

From: kyle ppiagency.com < kyle@ppiagency.com >
Sent: Monday, November 27, 2023 12:03 PM

To: Robert Dmohowski

Subject: EIR report near Oceanside Airport

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Good afternoon Robert,

I am a resident of Oceanside, and I live off of Canyon and very near to the proposed site of the new Eddie Jones warehouse.

The 76 hwy is already inundated with traffic, the infrastructure is not going to be able to handle the increased traffic and congestion should this project come to fruition. Aside from that, as a member of the community, I would much rather see the land retained as is, and not to see the local ecosystem cast aside and disregarded.

I live in Oceanside because of the city it was in the past. The changes the city has seen in the last 15+ years has rendered it unrecognizable, and additional changes to commercialize the city are not welcomed by the people who live here.

Please consider the surrounding community when planning any future developments.

Thank you for your time.

Sincerely,

Kyle Branek

117-1

117-2

117-3

Kyle Branek November 27, 2023

- The commenter states they are a resident of Oceanside and lives near the project site. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment expresses a general opinion about project traffic on State Route 76 and the adequacy of the roadway infrastructure. Please refer to Section 4.14 of the DEIR, which analyzes project related traffic in detail. Additionally, please refer to Thematic Response 2 for more information on how traffic was analyzed in the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- I17-3 The comment states a preference to see the site not be developed and the commenter's displeasure with changes to the City over the past 15 years. The commenter requests the City consider the surrounding area when planning future development. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Robert Dmohowski

From: jlrd <jlrd68@gmail.com>

Sent: Monday, November 27, 2023 12:47 PM

To: Robert Dmohowski
Subject: Eddie Jones Warehouse

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Hello Mr. Dmohowski,

As an Oceanside resident, living in the San Luis Rey valley, I would like to state that we are AGAINST the large warehouse proposed at or near the Oceanside municipal airport. The Eddie Jones warehouse project (nor any other warehousing project) is definitely not in the best interest of the community nor the land nearby or surrounding. Our lands are a precious resource which need to be protected and preserved.

Please consider this communique a voice that is strongly opposed to this project.

Thank you, Julia Dumbeck Oceanside resident 118-1

Julia Dumbeck November 27, 2023

The commenter states they are an Oceanside resident and states general opposition to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Robert Dmohowski

From: Bonnie May <bonniejean98@gmail.com>
Sent: Monday, November 27, 2023 2:10 PM

To: Robert Dmohowski

Subject: Response to Draft EIR D22-00001

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

I am writing in response to the Draft EIR D22-00001 for the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project in Oceanside. I am an Oceanside resident and I would like to express severe disapproval of the project and the necessity for a No Project (No Build) Alternative.

The entire document needs greater detail on assumptions utilized to calculate impacts, particularly within the Air Quality and Biological Resources sections.

This project is more than triple the size of the previous development and will contribute to significant environmental and air quality issues in the San Luis Rey valley area. First and foremost, increased truck traffic will undeniably increase diesel emissions in the surrounding neighborhoods and along the San Luis Rey River Trail bike path. Increased diesel emissions will increase toxic air quality risks for residents and children living near the facility. Exposure to diesel particulate matter is associated with severe health conditions, including cardiovascular, cardiopulmonary, and respiratory disease and lung cancer. Additionally, the site's close proximity to Prince Park Skatepark, located on the corner of Alex Road and Foussat, will disproportionately increase emissions exposure among youth who frequent the skatepark throughout the day. How will air quality impacts be shared with the public? How will the developer respond to any unforeseen air quality impacts? Will the public be able to provide comments on negative impacts throughout the construction and operation stages of the project?

The singular proposed mitigation measure for air quality is not enough to protect the residents of Oceanside from exposure to hazardous conditions throughout construction and operations. The potential for exposure to numerous criteria air pollutants from both mobile and non-mobile sources will not only impact residents in surrounding areas, but also the wildlife in the San Luis Rey corridor. The habitat conservation area near the site will also suffer from direct and indirect impacts to air and water quality caused by construction and warehouse operations. This project will further exacerbate habitat fragmentation in Oceanside within the Wildlife Corridor Planning Zone. A total of 3 biological surveys, fewer than 10 hours total, does not provide an adequate picture of local flora and fauna that will be impacted by this project. These surveys were also conducted during the same time of the year which does not account for any seasonal fluctuation in plant and animal presence.

The proposed project is located near a sensitive riparian habitat along the San Luis Rey River and poses significant threats to air and environmental quality. "Buffers" proposed to mitigate bird nesting impacts will not adequately prevent impacts to habitat caused by construction and noise pollution. How will biological monitoring be reported and shared with the public?

| 119-3 | 119-4 | 119-5 | 119-6 | 119-7

1

The EIR states that a Voluntary Employer Commute Program will be implemented to reduce VMT. How will this be incentivized? Oceanside does not have a particularly robust transit system to accommodate the proposed mitigation plan. What will the developer do in the likely case that VMT increases? What assumptions were used to calculate the expected 6.2% reduction in VMT? How does the reduction take into account the drastic increase in vehicles that will be brought on by the warehouse? This mitigation measure is performative, at best.

119-8

This project will severely and negatively impact Oceanside residents by increasing traffic, increasing toxic air risks, and threatening sensitive habitats. In addition to the aesthetic impacts of a massive warehouse directly adjacent to the San Luis Rey River and protected area, this project poses substantial threats to local families and children residing in the surrounding neighborhoods. This project cannot be permitted to move forward and must recognize the concerns of the public.

119-9

Thank you.

2

Page 2 of 2 in Comment Letter I19

Response to Comment Letter I19

Bonnie May November 27, 2023

- This comment serves as an introduction to comments that follow and expresses general opposition to the project but does not raise any specific issue with the adequacy of the DEIR. No further response is required.
- The comment states that the DEIR should include greater detail about the assumptions utilized to calculate impacts, specifically in the air quality and biological resources sections. The commenter does not specify which areas of the air quality or biological resources sections that they find inadequate. Please refer to Appendix B, Air Quality and GHG Emissions Technical Report, and Appendix C, Biological Technical Report, of the DEIR, which provide additional detail to that analyzed in Sections 4.2 and 4.3 of the DEIR.
- 119-3 This comment expresses concerns related to air quality impacts associated with the project, specifically air quality impacts to surrounding uses such as residences to the north, the San Luis Rey River Trail bike path, and Prince Park Skatepark. In response, air quality impacts to surrounding sensitive receptors are analyzed in Section 4.2.4 of the DEIR. The Air Quality and GHG Emissions Technical Report prepared for the project determined that the project would not expose sensitive receptors to substantial CO concentrations. Additionally, a health risk assessment (HRA) was performed to assess the impact of project construction and operation on sensitive receptors proximate to the project site. Details of the HRA methodology used are outlined in Appendix B to the EIR. The results of the HRA demonstrate that TAC exposure from construction and operation would result in a cancer risk of less than the 10 in 1 million threshold and a Chronic Hazard Index of less than 1. Therefore, construction and operation of the project would not expose sensitive receptors to substantial TAC emissions. Furthermore, with implementation of MM-AQ-1, impacts related to maximum daily construction VOC emissions would be reduced to a less than significant level. Please refer to Response to Comment 05-27. Please also refer to Thematic Response 4 for a discussion of health-related impacts for users of the San Luis Rev River bike path and nearby skatepark.
- This comment expresses an opinion that the proposed air quality mitigation measure does not sufficiently protect residents from exposure to hazardous conditions throughout project construction and operation. In response, please see Response to Comment I19-3.
- The comment claims that construction and operation of the proposed project would cause direct and indirect impacts to air quality and water quality in adjacent habitat conservation areas and exacerbate habitat fragmentation within the Wildlife Corridor Planning Zone. The air quality impact analysis (Section 4.2.4) of the DEIR outlines potential impacts and the associated measure, MM-AQ-1, that would reduce air quality impacts to less than significant. Though potential impacts to water quality were not identified in the Hydrology and Hydraulics Report (Appendix E) or the Drainage Study (Appendix F), a 100-foot biological buffer and a flood wall would be established between the project site and the San Luis Rey River area to avoid indirect impacts on wetland functions per Section 5.2.4 of the Subarea Plan (City of Oceanside 2010). The Section 4.3.1 of the DEIR and Section 2 of the BTR (DEIR Appendix C) both address wildlife corridors, biological core areas, and linkage areas. Please refer to Responses

to Comments A4-12, O10-4, and O12-10 regarding project impacts related to the Wildlife Corridor Planning Zone.

- 119-6 The comment states that the biological field surveys cannot account for seasonal fluctuations and are not adequate for determining project related impacts. The biological field surveys are one method used in the Biological Technical Report (DEIR Appendix C). The Biological Technical Report (BTR) includes field surveys, informal jurisdictional delineation, and literature reviews (including CDFW's California Natural Diversity Database for the San Luis Rey 7.5 quadrangle and the surrounding seven quadrangles, USFWS Critical Habitat Data, and California Native Plant Society's online inventory of rare and endangered vascular plants for San Luis Rey 7.5 quadrangle and the surrounding seven quadrangles to analyze physical characteristics of the project area and evaluate potential impacts to sensitive plants and wildlife species, as well as habitat), Additionally, the site was previously developed and currently consists of disturbed, developed, and non-native vegetation. The scope of the surveys (e.g. seasonal, diurnal) are discussed in the BTR, and the totality of the biological resource analysis serves as substantial evidence supporting the DEIR's determination that project would have less than significant impacts on biological resources. Because the site is disturbed and developed and the analysis of the special-status species within the vicinity concluded they do not have potential to occur within the site, no additional biological survey efforts were required. Surveys cannot be conducted on private property outside of the project site; however, the DEIR addresses potential indirect impacts to special-status wildlife species (Section 4.3.4). MM-BIO-1 through MM-BIO-4 would be implemented to minimize and avoid potential indirect impacts.
- The comment states that the proposed project poses significant threats to air quality and environmental quality and claims the measures proposed to mitigate impacts are not adequate. The comment also questions how monitoring information would be reported and shared with the public. All impacts to air and biological resources would be reduced to less than significant with implementation of MM-AQ-1 and MM-BIO-1 through MM-BIO-4 and would be in accordance with federal, state, and local regulations. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required for the project. The MMRP is prepared by the City to comply with California Public Resources Code Section 21081.6(a)(1), which requires public agencies to adopt such programs to ensure effective implementation of mitigation measures. This monitoring program would include any additional mitigation measures identified and additional conditions of approval imposed throughout the project approval process. Monitoring findings would be shared with the client, the contractors, the City, and all applicable regulatory agencies. Please refer to Responses to Comments A4-8, A4-15, O1-7, and O10-22.
- The comment questions implementation of the VMT-related mitigation measure proposed in the EIR (MM-TRA-1). The comment questions what the developer would do in the likely case that VMT increases, what assumptions were used to calculate the expected 6.2% reduction in VMT, and how does the reduction take into account the increase in vehicles that would be brought on by the project. In response, please refer to Response to Comment 05-17.
- This comment reiterates the general opposition to the project and provides concluding remarks. The comment does not raise specific concerns related to the adequacy of the DEIR, and no further response is required.

Comment Letter I20

Robert Dmohowski

 From:
 Tam Nguyen < tn9936@gmail.com>

 Sent:
 Friday, November 17, 2023 4:05 PM

To: Robert Dmohowski; Esther Sanchez; Rick Robinson; Peter Weiss; Planning-Planning

Commission; Zeb Navarro; Eric Joyce; Ryan Keim; City Manager

Subject: OPOSITION to the Eddy Jones Project
Attachments: Eddy Jones-Benet Rd underpass.jpg

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

We are writing to you to let you know that we are homeowners of Wanis View Estates HOA in Oceanside who strongly oppose the proposed project. The current plans include 114 semi-truck bays, 60 truck-trailer parking stalls and 590 auto parking spaces with a facility of 566,905 square feet stated in the Draft EIR (roughly the size of 4 Costcos), and trucks are anticipated to run 24/7. With that project scale, and its operations, our community and all residents of surrounding areas will be negatively impacted especially on traffic and noise.

120-1

- 1) Traffic: Below are the major traffic issues on the Benet Road:
- 1.1) Enormous amount of trucks to the Benet Road: Tractor/trailer/truck ingress/egress would be designated for and limited to the Benet Road access (irem 3.2.4.1 Vehicular Circulation and Access.) With 114 loading bays and 60 tractor/truck/trailer parking stalls (item 3.2.4.2 Parking), it is obvious that an enormous amount of trucks from the proposed project will share the Benet Road with local traffic between the Eddy Jones Way and the highway 76 and will run and turn slowly to exit and enter the Eddy Jones Way.
- 1.2) Eddy Jones Way/ Benet Road intersection very close to Benet Road/Highway 76 intersection: It is about 1000 feet (item 3.2.4.1 Vehicular Circulation and Access.) between 2 intersections. Clearly, any 2 intersections that are too close to each other would be avoided because it would create traffic congestion in that area especially by heavy/long trucks with their slow movement.

120-2

- 1.3) California Department of Transportation (Caltrans) controls the signal timing at the highway 76/ Benet Road intersection. Caltrans always keeps the traffic on the State highway in priority resulting in delaying local traffic on the Benet Road. Now, local traffic can get through the highway 76 with one timing cycle only. If the project is implemented, local traffic would not get through that State highway with several timing cycles due to an enormous amount of trucks sharing the Benet Road with the local traffic.
- 1.4) The proposed project would contribute traffic to a failing intersection: Appendix I admitted. If adding an enormous amount of trucks to the Benet Road, that signal intersection would get worse.

With the major traffic problems above-mentioned, below are only two tiny improvements on vehicular circulation and access that the project proposes:

a) Enter and exit the project site via the Alex Road and the Benet Road would be improved to full commercial driveway standards (item 3.2.4.1 Vehicular circulation and access.) This improvement is very little that does not solve the huge traffic congestion on the Benet Road due to trucks from the project sharing with the local traffic on the Benet Road. 120-3

1

b) Payment of 8.5% towards the provisions of converting the existing eastbound and westbound right turn lanes to a combination through-right lane in the eastbound and westbound direction (item 4.14.4 Impact Analysis - Roadway Facilities.) This improvement would help some degree on the State highway 76 traffic, but it definitely would not solve the root cause of the local traffic congestion due to trucks from the project sharing with local traffic on the Benet Road. 120-3 If the proposed project is implemented, it would be a nightmare for all local residents and others using the Benet Road. Cont. Also, it would put the local authorities under the pressure to solve the bottleneck/choke point at the downstream end and the upstream start traffic on the Benet Road northbound and southbound at the highway 76. The root cause of the problem is to add an enormous amount of trucks from the proposed project via the Eddy Jones Way to the Benet Road that is too close to the Highway 76 signal intersection that Caltrans controls timing. It appears that the project would need a separate lane without interference with the local traffic on the Benet Road. Following is the idea for that lane. a) Depress the Benet Road as an underpass at the Eddy Jones Way, then back it up at grade at the highway 76 as it is. 120-4 b) Extend the Eddy Jones Way westward with a new signal intersection at the highway 76 (sketch attached) for traffic in and out the Eddy Jones project including passenger vehicles. In the Draft EIR, passenger vehicles would be limited to the Alex Road access point. 2) Noise The residential Wanis View Estates HOA in Oceanside was established about 20 years ago without any noise as the 120-5 project's that it is anticipated to operate 24/7. We oppose its operations at night which is to strictly curfew its operations at night. Our community residents are not opposed to site development; however, the type and scale of business and hours of operations that impact our community and our quality of life are not being seriously nor adequately addressed. Respectfully 120-6 Tam Nguyen 3211 Toopal Dr Oceanside, CA 92058 tn9936@gmail.com Minh Nguyen 3211 Toopal Dr Oceanside, CA 92058

2

Page 2 of 2 in Comment Letter I20

Tuyet Nguyen 3144 Toopal Dr Oceanside, CA 92058 tuyetdn@cox.net

Response to Comment Letter I20

Tam Nguyen November 27, 2023

- The commenter introduces themselves as a homeowner and part of the Wanis View Estates HOA and voices general opposition to the scale of the project. The commenter states that their community will be negatively impacted by project traffic and noise. This is an introductory comment to those that follow. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment expresses concern about the number of trucks on Benet Road, the proximity of the site to the State Route 76 intersection and associated Caltrans control of the signal timing, and the project's contribution to traffic at a failing intersection. The approved LTS (DEIR Appendix I) accounted for the roadway geometry, intersection locations, existing vehicle mix, and Caltrans control of the signal timing. Additionally, please refer to Responses to Comments O5-15 through O5-18 and Response to Comment Letter A3.
- The comment refers to the proposed traffic improvements and expresses concerns related to traffic on Benet Road and proximity to the State Route 76 signaled intersection. In response, please refer to Responses to Comments 05-15 through 05-18 and Response to Comment Letter A3. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment provides suggested traffic improvements to local roadways. Please see Thematic Response 2, which provides more information on what an EIR is required to address to analyze traffic impacts. The approved LTS (DEIR Appendix I) included existing and horizon year conditions along with proposed cumulative projects. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment speculates about project operation during nighttime hours and the associated noise. In response, the project would be required to comply with all applicable noise regulations outlined in Section 4.11.2 of the DEIR. Operation of the project would be required to comply with General Plan land use policies and zoning ordinances associated with the designated industrial land use for the site. As analyzed in Section 4.11 of the DEIR, long-term operational noise from off-site traffic would not result in generation of a substantial permanent increase in ambient noise levels in excess of the applicable standards outlined in the noise analysis.

The proposed project features several types of on-site noise emission, including outdoor-exposed electromechanical equipment, low-speed passenger vehicle movements in the parking lots, loading dock activities (at which trucks may have engines idling for allowable periods of time), and intermittent low-speed truck travel from the loading dock areas to project site points of ingress and egress. DEIR Table 4.11-8 in Section 4.11 presents predicted combined on-site noise emission levels from the preceding source types at two assessment locations: at the midpoint of the project's northern boundary and at a representative distance from the project where existing residential land uses near the cul de sacs of Toopal Drive and Tishmal Court are encountered. The predicted aggregate noise levels shown are less than the presented applicable standards and thresholds of significance. The noise analysis

prepared for the project determined that all noise-related impacts as a result of project construction and operation would be less than significant.

This concluding comment states that their residential community is not opposed to the site development; however, the type and scale of business and associated operating hours are not adequately addressed. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Comment Letter I21

FROM: Darin Selnick, Oceanside Resident and Oceanside Speaks Out Member

TO: Rob Dmohowski, Principal Planner at the City of Oceanside's Planning Division

SUBJECT: Eddie Jones Warehouse, Manufacturing and Distribution Facility Project, Draft Environmental Impact Report (DEIR) Review and Comments

Per the October 26, 2023, email you sent out, below is my review and comments on the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project, Draft Environmental Impact Report (DEIR) documentation.

Below are statements from the project applicant and my responses to those statements pointing out the flaws and discrepancies in their analysis, conclusions and results. The specific areas I have provided comment on include the Executive Summary and Air Quality Sections 4.2 and 6.4.2.

Overall Flaw with the DEIR: Overall there is one major fatal flaw with the DEIR, the operation and land use of the project after construction, which renders the DEIR analysis, conclusions, results and mitigation invalid throughout the document. This DEIR is predicated on the project applicant doing an analysis, results and mitigation based on construction, operation and land use of the project, "proposed warehouse and distribution facility is classified as a Wholesaling, Distribution, and Storage Facility use by the Oceanside Zoning Ordinance (OZO)".

However, the project applicant both in private and public meetings has stated that the actual operation and land use of the project will not be determined until after the project has been built and the four walls have been built. This is a classic bait and switch tactic often used by developers. Therefore, the DEIR may not be valid if after construction the operation and land use is leased out for a different use which the project applicant has plainly stated it intends to do.

In a public meeting on July 12, 2023, and stated in a July 21, 2023, email, the project applicant stated "Adam shared at the meeting that *the economics of the project require a high-quality tenant to make the project financially viable*. In other words, the type of tenant that would be able to afford the rent. The building is designed to include manufacturing, warehouse and office use. While it is too soon to sign a tenant now, *RPG is focused on a life science tenant*. In Oceanside, there is a demand for this kind of facility to meet the needs of this growing industry". To be clear, this DEIR is NOT based on a life science tenant but on mostly warehouse and distribution and some manufacturing, therefore the DEIR is rendered invalid as the project applicant intends a different lease and tenant(s) after construction, which is different than the stated intended operation and land use contained in the DEIR.

121-1

121-2

121-3

Executive Summary Comments

Page 18:

Statement: 60 truck trailer parking stalls, and a vehicle circulation area. Loading bays are proposed on the north and south sides of the building, with a total of 114 truck terminals. Access to the project site would be maintained and improved as necessary, with existing access points from Alex Road at the northeast corner and Benet Road at the southwest corner. The Alex Road access would be limited to passenger vehicles, and heavy truck traffic would be limited to the Benet Road access point.

121-4

Response: There is nothing in the DEIR that proves Alex Road would be limited to passenger vehicles and heavy truck traffic would be limited to Benet Road. There is nothing to stop the heavy truck traffic from using Foussat and Alex Road when driving west on highway 76. In fact, there already have been complaints from residents by the Airport of heavy trucks using Foussat to connect to Benet and driving through the neighborhood. This is often due to the heavy traffic on highway 76 and the backups due to traffic and accidents.

121-5

Statement: The proposed warehouse and distribution facility is classified as a Wholesaling, Distribution, and Storage Facility use by the Oceanside Zoning Ordinance (OZO). Wholesaling, distribution, and storage facilities over 50,000 square feet in floor area require approval of a Conditional Use Permit to be established in the IL zoning district, pursuant to the OZO. Wholesaling, distribution, and storage facilities with more than six heavy trucks on the premises at one time are considered trucking terminals pursuant to the OZO. Trucking terminals also require approval of a Conditional Use Permit to be established in the IL zoning district.

Response: Normal zoning for the three combined sites would only allow 18 heavy trucks on the premises at one time, while the DEIR proposes up to 114 truck terminals and 60 truck trailer parking stalls. This far exceeds by almost 10 times what the area is zoned for and therefore is excessive and should not be allowed. Normal zoning for the three combined sites would only allow 150,000 square feet in floor area and this project requests over three times that amount with 566,905 square feet. This is excessive and should not be allowed. Finally, since the project applicant has stated in the July 12, 2023 public forum that it does not intend lease the project as

121-6

Statement: Project Objective 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.

the proposed warehouse and distribution facility and instead due to economics find life sciences tenants, then the DEIR needs to be redone based on the project being used for life sciences.

Response: The proposed project is minimal on employment generation. According to the RPG commissioned economic study, there would be only 499 jobs and an annual net economic impact of only \$72,103 to the City of Oceanside. Considering the size of this project, 566,905 square feet, these numbers show the project does not provide robust employment and therefore minimally fulfills the project objective. It would be more beneficial to the City of Oceanside and the project applicant to develop the project with a different land use under the zoning that would create more and higher paying jobs with a greater positive economic impact.

Page 2 of 8 in Comment Letter I21

Statement: Project Objective 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.

Response: The proposed warehouse and distribution facility minimally takes advantage of but does not enhance existing infrastructure. Instead, the project with 114 truck terminals and 60 truck trailer parking stalls is a burden to State Route 76 which is already overcrowded and does nothing to improve the Oceanside Municipal Airport.

Statement: Project Objective 5: Fulfill a demand for industrial and manufacturing uses in the City.

Response: This is mostly a warehouse and distribution facility, which does not meet this objective. There is neither a need nor demand in the City of Oceanside for a Warehouse, Manufacturing and Distribution Facility Project, which is 2/3 warehouse and consists of mostly low paying jobs. A different operation and land use would fulfill this project objective, such as bio tech or life sciences.

Page 19:

Statement: Project Objective 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.

Response: Since after construction the actual operation and land use of the project is unknown and to be determined, the DEIR is unable to say with any certainty or validity that the project will meet the objective and comply with the development, intensity, noise, use, and other restrictions imposed by the Oceanside Municipal Airport Land Use Compatibility Plan

Statement: ES.2.4. Additionally, wholesaling, distribution, and storage facilities with more than six heavy trucks on the premises at one time are considered trucking terminals pursuant to Section 415(I)(1) of the zoning ordinance. Trucking terminals also require approval of a Conditional Use Permit to be established in the IL zoning district pursuant to Section 1320 of the zoning ordinance. Furthermore, a variance is also requested to allow small height increases for portions of the floodwall designed to surround the property. The City would use this EIR and associated documentation in its decision to approve or deny the required discretionary permits. Response: The DEIR proposes up to 114 truck terminals and 60 truck trailer parking stalls. This far exceeds by almost 10 times what the area is zoned for and therefore is excessive and should not be allowed. Normal zoning for the three combined sites would only allow 18 heavy trucks on the premises at one time. This is excessive and should not be allowed. Therefore, the city should deny the required discretionary permits since they are considerably excessive, not justified and add little value to the city,

Page 20:

Statement: ES.4 Effects Not Found to Be Significant - The project would result in no impact or less-than-significant impacts in the following CEQA topic areas: aesthetics, agriculture and forestry resources, cultural resources, energy, geology and soils, **greenhouse gas emissions**,

121-7

121-8

121-9

121-10

121-11

Page 3 of 8 in Comment Letter I21

hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, traffic and circulation, tribal cultural resources, utilities and service systems, and wildfire.

Response: Since after construction the actual operation and land use of the project is unknown and to be determined, the DEIR is unable to say with any certainty or validity that the project effects are not found to be significant. If the project applicant does end up leasing to a life sciences company as proposed in the July 12, 2023, public forum, then there is a significant possibility that there could be significant impacts on greenhouse gas emissions, hazards and hazardous materials, noise, traffic and circulation. A new DEIR would need to be accomplished on the actual operation and land use leases and tenants in order to be certain of the effects.

I21-11 Cont.

Statement: ES.5 Impacts Determined to Be Significant - Table ES.5-1 provides a summary of significant project-related impacts pursuant to the CEQA Guidelines Section 15123(b)(1). Impacts associated with air quality, biological resources, and cultural resources were identified as significant. However, implementation of mitigation measures would reduce those potentially significant impacts to a less-than-significant level.

121-12

Response: Analysis and implementation of mitigation measures are flawed as they only take into account construction and not the actual operation and land use of the project which is unknown and to be determined until the project has been built, leased and has tenants. Therefore, it is invalid to state that implementation of mitigation measures would reduce those potentially significant impacts to a less-than-significant level.

Page 21-22: Table ES.5-1. Summary of Significant Environmental Impacts.

Statement: Air Quality

Impact - The project would result in significant impacts related to emissions of criteria air pollutant emissions during construction.

Mitigation Measure – Require Low-Volatile Organic Compound Coatings During Construction **Response**: The problem with these mitigation strategies is that they only address during construction. Not the use of the facility after construction since the actual operation and land use of the project is unknown and to be determined.

121-13

Statement: Biological Resources

Impact - Potential impacts to foraging and/or breeding and nesting habitat for special-status wildlife species.

Mitigation Measure: 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).

Mitigation Measure: 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. Periodically monitor the construction site after grading is completed and during the construction phase.

121-14

Response: The problem with this mitigation measure is that it only addresses potential impacts and mitigation during construction, not after. Since the actual operation and land use of the

Page 4 of 8 in Comment Letter I21

project is unknown and to be determined, or as indicated by the project applicant likely to be a life sciences tenant(s), then the potential impacts to foraging and/or breeding and nesting habitat for special-status wildlife species is unknown. A new DEIR should be completed to take into consideration the stated real possible use of the facility after construction, life sciences.

121-14 Cont.

Page 28: Table ES.5-1. Summary of Significant Environmental Impacts.

Statement: Traffic and Circulation

Impact - Impact TRA-1: The proposed project exceeds the VMT threshold by 2.9%. Mitigation Measure — 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%

121-15

Response: The mitigation proposed will not work since the project applicant is not the employer for the future employees. Therefore, it is unknown if any mitigation will occur or be used by the tenant's employees. VMT reduction of 6.2% is impossible to state and not valid since it is unknown if tenants will offer the incentives or if employees will take the voluntary incentives.

Page 30:

Statement: ES.6 Significant and Unavoidable Impacts As discussed in this EIR, implementation of the project would not result in any significant and unavoidable impacts.

Response: Stating that "implementation of the project would not result in any significant and unavoidable impacts" is flawed and invalid since the analysis was based on an invalid operation and land use of the facility after construction. As stated by the project applicant in a public meeting on July 12, 2023, RPG is focused on a life science tenant, not manufacturing, warehouse and office use.

121-16

Statement: ES.7 Analysis of Alternatives: Pursuant to CEQA Guidelines, EIRs are required to "describe a range of reasonable alternatives to the project.

Response: The project applicant did not provide a full range of reasonable alternatives. In addition to ES.7.2 Multi-Building Alternative, public commentators requested an alternative be addressed in this DEIR in several public and private meetings held by the project applicant. The reasonable alternative would be changing the use of the facility to life sciences or biotechnology.

121-17

The project applicant suggested in a public meeting on July 12, 2023, and stated in a July 21, 2023, email, a preferred alternative use which they did not use in the DEIR. "Adam shared at the meeting that the economics of the project require a high-quality tenant to make the project financially viable. In other words, the type of tenant that would be able to afford the rent. The building is designed to include manufacturing, warehouse and office use. While it is too soon to sign a tenant now, RPG is focused on a life science tenant. Therefore, since the real intended preferred alternative for the project applicant is life sciences, then they should be required to redo the DEIR with that alternative use.

Page 5 of 8 in Comment Letter I21

Statement: ES.7.1 No Project (No Build) Alternative: Under the No Project Alternative, the proposed project and associated improvements would not be implemented, and the project site would remain as a previously disturbed site without any new improvements.

Response: This is the best alternative to the proposed project based on all of the presented alternatives. With an economic net positive impact of only \$72,000 per year, the current project proposal should be scrapped. The project applicant could then come back with an alternative project proposal that would lessen the impacts by proposing a more advantageous use for the site such as life sciences and biotechnology.

121-18

Statement: ES.7.2 Multi-Building Alternative: This alternative was requested to be addressed in this EIR by public commenters. The goal of this alternative would be to reduce the building footprint and single-building massing when compared with the proposed project. Under the Multi-Building Alternative, the site would be developed with industrial uses similar to the proposed project and consistent with the General Plan land use and zoning designation for the site.

121-19

Response: Although requested to be addressed in the DEIR by public commentators, it was not the preferred alternative, which as life sciences and biotechnology. It is inconsistent for the project applicant to address the Multi-Building Alternative but not address the most request life sciences and biotechnology alternative. Therefore, the DEIR should be redone with the preferred alternative which even the project applicant has stated in their July 12, 2023 public meeting was their preferred alternative.

<u>Page 33:</u> Table ES.7-1. Comparative Summary of Alternatives Under Consideration and Proposed Project

Statement: No Project (No Build) Alternative: No impact (reduced) for all four environmental topics; Air quality, Biological resources, Cultural resources, Traffic.

Response: No Project (No Build) Alternative is the only viable path forward as presented in the EIR. This is due to several factors. First. it is the only alternative that has a no impact (reduced) for the project. Second, the developed has stated there is very little positive economic impact for the city of Oceanside, \$72,000 per year, and that it is not economically feasible to lease the project out as a Wholesaling, Distribution, and Storage Facility. Therefore, either go with the No Project (No Build) Alternative or develop a new alternative that is economically viable for Oceanside and the project applicant, which at the same time has similar or reduced impact.

121-20

Page 42: 2.1.4 Existing Zoning Designations

Statement: City Zoning Ordinance Article 13 (Industrial Districts) outlines the regulations of the Inland Industrial Districts. As presented in Section 1310 of the Zoning Ordinance, the specific purposes of the industrial districts are as follows:

• Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses.

121-21

 Strengthen the city's economic base and provide employment opportunities close to home for residents of the city and surrounding communities.

Minimize the impact of industrial uses on adjacent residential districts.

Page 6 of 8 in Comment Letter I21

Response: The proposed Eddie Jones Warehouse, Manufacturing and Distribution Facility Project is not consistent with the General Plan, nor does it strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities.

It is not consistent with the General Plan since it requires Conditional Use Permits to be established in the IL zoning district which normally would only allow for 18 heavy trucks on the premises at one time, while the DEIR proposes up to 114 truck terminals and 60 truck trailer parking stalls. This far exceeds by almost 10 times what the area is zoned for and therefore is excessive and should not be allowed.

I21-21 Cont.

It does not strengthen the city's economic base and provide employment opportunities since most of the 499 jobs would be low paying warehouse and distribution positions and the project applicant economic analysis only shows a positive economic impact for the city of Oceanside of \$72,000 per year.

Air Quality Comments

Page 93: 4.2 Air Quality

Page 112 Statement: Operation of the proposed project would generate VOC, NOx, CO, SOx, PM10, and PM2.5 emissions from mobile sources (vehicle trips), area sources (consumer products, landscape maintenance equipment), and energy sources. As discussed above and in Appendix B, pollutant emissions associated with long-term operations were quantified using CalEEMod based on the Project's manufacturing and warehouse land uses.

Page 122 Statement: As shown in Table 4.2-12, the DPM emissions from operation of the project would result in a Residential Maximum Individual Cancer Risk of 1.33 in 1 million and a Residential Chronic Hazard Index of 0.0004.

121-22

Response: The Air Quality analysis and mitigation are flawed and invalid since it doesn't address the actual operation and land use of the project. The project applicant states the operation is based on the project's manufacturing and warehouse land uses. However, the project applicant has stated in open meetings that there are multiple possible uses for the project after construction, such as bio tech and life sciences, and that the actual leases, operation and land use will not be determined until after construction. Since the actual operation and land use of the project is unknown and to be determined, the air quality analysis is flawed, invalid and can't be used.

6.4.2 Air Quality, Page 409

Statement: Operational emissions generated by the project would not result in emissions that exceed significance thresholds for any criteria air pollutant. As such, the project would result in less-than-significant impacts to air quality.

121-23

Page 7 of 8 in Comment Letter I21

Statement: As a result, the project would not result in a cumulatively considerable contribution to air quality, and cumulative impacts for construction and operation would be less than significant for the project.

Response: Same flawed analysis and conclusion as provided in 4.2 Air Quality. Since the actual operation and land use of the project is unknown and to be determined, the air quality analysis that the project would result in less-than-significant impacts to air quality is flawed, invalid and can't be used.

I21-23 Cont.

Page 8 of 8 in Comment Letter I21

Response to Comment Letter I21

Darin Selnick November 27, 2023

121-1 The comment serves as an introduction and is identical to comment 09-33 of Comment Letter 09. Refer to Response to Comment 09-33 for a detailed response. No further response is required. 121-2 The comment is identical to comments made within Comment Letter 09 stating that the DEIR analysis, conclusion, results, and mitigation are invalid because the future tenant is not identified. Refer to Responses to Comments 09-34 and 09-35 for detailed responses. No further response is required. 121-3 The comment is identical to comments made within Comment Letter 09 stating that the project applicant has stated in meetings that they are trying to find a life science tenant. Refer to Response to Comment 09-35 for a detailed response. No further response is required. 121-4 The comment is identical to comment 09-36 of Comment Letter 09. Refer to Response to Comment 09-36 for a detailed response. No further response is required. 121-5 The comment is identical to comment 09-37 of Comment Letter 09. Refer to Response to Comment 09-37 for a detailed response. No further response is required. 121-6 The comment is identical to comment 09-38 of Comment Letter 09. Refer to Response to Comment 09-38 for a detailed response. No further response is required. 121-7 The comment is identical to comment 09-39 of Comment Letter 09. Refer to Response to Comment 09-39 for a detailed response. No further response is required. 121-8 The comment is identical to comment 09-40 of Comment Letter 09. Refer to Response to Comment 09-40 for a detailed response. No further response is required. 121-9 The comment is identical to comment 09-41 of Comment Letter 09. Refer to Response to Comment 09-41 for a detailed response. No further response is required. 121-10 The comment is identical to comment 09-42 of Comment Letter 09. Refer to Response to Comment 09-42 for a detailed response. No further response is required. 121-11 The comment is identical to comment 09-43 of Comment Letter 09. Refer to Response to Comment 09-43 for a detailed response. No further response is required. 121-12 The comment is identical to comment 09-44 of Comment Letter 09. Refer to Response to Comment 09-44 for a detailed response. No further response is required. 121-13 The comment is identical to comment 09-45 of Comment Letter 09. Refer to Response to Comment 09-45 for a detailed response. No further response is required. 121-14 The comment is identical to comment 09-46 of Comment Letter 09. Refer to Response to Comment

09-46 for a detailed response. No further response is required.

- 121-15 The comment is identical to comment 09-47 of Comment Letter 09. Refer to Response to Comment 09-47 for a detailed response. No further response is required.
- The comment is identical to comment 09-48 of Comment Letter 09. Refer to Response to Comment 09-48 for a detailed response. No further response is required.
- The comment is identical to comment 09-49 of Comment Letter 09. Refer to Response to Comment 09-49 for a detailed response. No further response is required.
- **121-18** The comment is identical to comment 09-50 of Comment Letter 09. Refer to Response to Comment 09-50 for a detailed response. No further response is required.
- The comment is identical to comment 09-51 of Comment Letter 09. Refer to Response to Comment 09-51 for a detailed response. No further response is required.
- 121-20 The comment is identical to comment 09-52 of Comment Letter 09. Refer to Response to Comment 09-52 for a detailed response. No further response is required.
- The comment is identical to comments made within Comment Letter 09. Refer to Responses to Comments 09-53 through 09-55 for detailed responses. No further response is required.
- The comment is identical to comment 09-56 of Comment Letter 09. Refer to Response to Comment 09-56 for a detailed response. No further response is required.
- 121-23 The comment is identical to comment 09-57 of Comment Letter 09. Refer to Response to Comment 09-57 for a detailed response. No further response is required.

Comment Letter I22

Robert Dmohowski

From: Rick Taylor <rkt.sce@gmail.com>
Sent: Tuesday, November 28, 2023 1:37 PM

To: Robert Dmohowski; Esther Sanchez; Ryan Keim; Peter Weiss; Rick Robinson; Eric Joyce;

Planning Web; City Manager; Planning-Planning Commission;

oceansidespeaksout@gmail.com; eddiejoneswarehouse@gmail.com; Jonathan Borrego

Subject: Re: EDDIE JONES WAREHOUSE AND MANUFACTURING

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

I>E> EDDIE JONES WAREHOUSE & DISTRIBUTION

Mr.. Dmohowski,

I recently sent a correspondence concerning the above project. Within the letter I put forth the internet definitions from the "Law Insider" website of "light industrial" and "limited industrial".

I am hoping you might inform ALL parties on what the "city's" definition of those terms are, so a real evaluation/comparison for the CUP can be made.

Even with that said, it appears obvious with the size of the facility and trucking numbers requested, this project will be a "distribution center" that will run 24/7, 24 hours a day, 7 days a week. It will likely have three working shifts for such an enterprise.

It will not only be a major issue for the north river residents (over 1,200 homes) but for everyone who utilizes Highway 76.

Thank you,

Rick Taylor 735 Valley Crest Drive Oceanside, CA 92058 760 274 4700 rkt.sce@gmail.com

Rick Taylor < rkt.sce@gmail.com>

to rdmohowski, esanchez, rkeim, pweiss, rwrobinson, ejoyce, planningstaff, CityManager, PlanningCommission, oceans

VOTE NO !..

To involved city staff, council,

1

122-1

122-2

122-3

| I have contacted the city on this project a few times in the last several months, and now the draft EIR is out and I will attempt to review its \$400+ pages. Hopefully my prior emails have been read by all and their content is understood and remembered. This is not a good project for this site. | 122-3 Cont. |
|---|----------------|
| First, I wish to address the CUP, (as far as I understand it.) | Ī |
| This project is to be constructed and zoned for a maximum of 6 trucks as per the draft EIR This project is requesting 114 trucks, with an additional 60 truck parking spaces. It also includes 590 additional parking spaces for personal vehicles. That is an astronomical request. | 122-4 |
| 2. Projects along the river are required to be made to be above the floodplain. This project is requesting to build flood walls around the property instead. According to the developer, those will be 7 to 9 foot walls around the entire perimeter of the property. That will be a visual eyesore. | I 122-5 |
| 3. The site is zoned "light industrial" or "limited industrial". I am not sure how Oceanside defines those terms but these are from the internet. This project is way beyond these definitions. | Ī |
| <u>Light industrial</u> : means buildings used solely to house industrial use that are not more than one story in height and not exceeding 10,000 square feet in gross floor area, or are not more than two stories in height and not exceeding 6,000 square feet in gross floor area: <u>Light industrial</u> : means uses characterized by a mix of manufacturing (small items), service, and warehouse facilities in the same building with a wide variation in the proportion of each type of use. Examples of light industrial uses include materials testing laboratories, assembly of data processing equipment, contractor offices, cabinetry work, machine shops, management services, photocopying services, software publishing/production, engineering/architectural services, and electronic/computer component production. | 122-6 |
| If this project is light industrial, you have to ask, "why is this project so large, and why are there 114 truck loading docks? | |
| 3. Supposedly, if a project will be a detriment to the value of the properties around it, it is not approvable. This facility and its use and traffic will reduce local values. | 122-7 |
| 4. There was a mention that the site redevelopment should use existing trees in the design of the site. This didn't happen. It should be noted that there were over 3 dozen trees on the site that were removed. Several were large trees that housed local animals and birds, including hawks. Many of the larger ones were on the northern property line and could have, should have, been saved. | 122-8 |
| A conversation of why this isn't a good fit. | Ī |
| 1. This project is 566,280 square feet That is 13 acres of building, or in another perspective, including the end zones, around 10 football fields. It is also 45 feet tall, which could be a 5 story building, at the least a 4 story It will also have a 7 to 9 foot tall flood wall around its nearly 32 acres. That's nearly a mile of wall. It will be over 25 acres of asphalt and concrete. There's not another facility along the San Luis Rey River (possibly in all of Oceanside) that even resembles this monstrosity. | 122-9 |
| 2. Based on the site and building/architectural plans, this project will be a warehouse and distribution center and will more than likely run 24 hours a day, 7 days a week. (Even if manufacturing, that is more than likely). So not only will we have dozens to hundreds of trucks daily and around the clock, | 122-10 |
| 2 | • |

Page 2 of 6 in Comment Letter I22

| there will be shift changes creating two to three times the traffic throughout the day. As proposed, all the trucks will be on Benet, personal vehicles, Foussat. A mess. 3. The 76 is already "not" an expressway. It has signal lights along its entire length and at any time of day you can sit through three or four, or more, light changes to move (Rancho Del Oro, College, Santa Fe to name a few), and even at Benet (the road slated for all truck traffic), traffic can be backed up west past Canyon Road, and the north I-5 exit can be backed up to the east to Loretta. 4. At Benet Road, the road for all truck traffic from the site(Eddie Jones Way), to the 76, it is only around 700 to 800 feet in distance. Trucks in California are allowed to be up to 75 feet long with truck and trailer. With a safety zone between trucks, perhaps 7 to 8 trucks will fill the road, and local traffic will be in that mix/mess or backed up across the river. And the turn lanes are even shorter. 5. The acceleration of trucks is also a large problem. If you're behind any number of trucks turning to the 76 or vice versa, there's a high likelihood you won't make the turn. And on the 76 itself, imagine dozens to hundreds of additional trucks vying for space and slowly accelerating at each light. The 76 will become more of a parking lot than it already is. | 122-10 Cont. |
|--|-----------------|
| 6. Realizing this will be a 24/7 facility you have to rethink not only the traffic, but the night light, the noise, the pollution. The facility has numerous windows for use of daylight, but those will also throw light out during the night operations. The trucks and shift changes require headlights at night, as well as a well lit parking lot for employee safety. The noise at night will also be an issue as the open doors during loading or for ventilation will allow the interior work to be heard, the back-up beepers of trucks and forklifts, and the noise from any diesel vehicle will disturb the night. And, with most, if not all, the trucks being diesel, as well as some personal vehicles, plus the possible hundreds of trucks a day and personal vehicles at shift changes, the air pollution can not be ignored. | 122-12 |
| 7. Having spoken to several realtors about the project, they all concur that having to deal with only two access roads and the possible hundreds of more vehicles on Foussat and especially the possible hundreds of trucks on Benet, the value of the cross river real estate will be reduced and people will look to other areas. The influence on the 76 will be a large part of this issue as well. That should be another reason this project is not approvable. | 122-13 |
| 8. The area around the site is filled with open space: the river, the open space to the west of Benet, the undeveloped properties along Alex Road, the canyon north of the east end of Airport Road and all the open space surrounding the north river community (over 1,200 homes) by city open space and Camp Pendleton. How will fires and exiting be dealt with should all the citizens, trucks and employees be on the only two roads? | 122-14 |
| 9. What is the criteria should the tenant utilize hazardous materials or combustible/explosive ones? Will it be allowed? | 122-15 |
| 10. It still amazes me that projects are only required to notify properties within 500 feet of a development with the intent to build. For this project, due to north of river housing and the adjacent airport it was expanded to 1500 feet. That still only informed a few dozen homes north of the river and a few businesses along the airport/Airport Road. | 122-16 |
| If the remainder of north Oceanside, or the citizens of Bonsall, Fallbrook, Vista, and even San Marcos and Carlsbad, that use the 76, were informed of this project, there would be a lot more opposition. | Ī |
| I hope this correspondence gives light to the fact that this project should not have its CUP approved and isn't the right project for this location. | |
| Thanks for your time. If you wish to discuss this, feel free to contact me. | 122-17 |
| Rick Taylor 735 Valley Crest Drive Oceanside, CA 92058 rkt.sce@gmail.com | |

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3

760 274 4700

On Tue, Nov 21, 2023 at 9:29 AM Rick Taylor <rkt.sce@gmail.com> wrote:

VOTE NO!

To involved city staff, council,

I have contacted the city on this project a few times in the last several months, and now the draft EIR is out and I will attempt to review its \$400+ pages. Hopefully my prior emails have been read by all and their content is understood and remembered. This is not a good project for this site.

First, I wish to address the CUP, (as far as I understand it.)

- 1. This project is to be constructed and zoned for a maximum of 6 trucks as per the draft EIR. This project is requesting 114 trucks, with an additional 60 truck parking spaces. It also includes 590 additional parking spaces for personal vehicles. That is an astronomical request.
- 2. Projects along the river are required to be made to be above the floodplain. This project is requesting to build flood walls around the property instead. According to the developer, those will be 7 to 9 foot walls around the entire perimeter of the property. That will be a visual eyesore.
- 3. The site is zoned "light industrial" or "limited industrial". I am not sure how Oceanside defines those terms but these are from the internet. This project is way beyond these definitions.

<u>Light industrial</u>: means buildings used solely to house industrial use that are not more than one story in height and not exceeding 10,000 square feet in gross floor area, or are not more than two stories in height and not exceeding 6,000 square feet in gross floor area:

Light industrial: means uses characterized by a mix of manufacturing (small items), service, and warehouse facilities in the same building with a wide variation in the proportion of each type of use. Examples of light industrial uses include materials testing laboratories, assembly of data processing equipment, contractor offices, cabinetry work, machine shops, management services, photocopying services, software publishing/production, engineering/architectural services, and electronic/computer component production.

If this project is light industrial, you have to ask, "why is this project so large, and why are there 114 truck loading docks?

- 3. Supposedly, if a project will be a detriment to the value of the properties around it, it is not approvable. This facility and its use and traffic will reduce local values.
- 4. There was a mention that the site redevelopment should use existing trees in the design of the site. This didn't happen. It should be noted that there were over 3 dozen trees on the site that were removed. Several were large trees that housed local animals and birds, including hawks. Many of the larger ones were on the northern property line and could have, should have, been saved.

A conversation of why this isn't a good fit.

1. This project is 566,280 square feet.. That is 13 acres of building, or in another perspective, including the end zones, around 10 football fields. It is also 45 feet tall, which could be a 5 story building, at the least a 4 story..

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It will also have a 7 to 9 foot tall flood wall around its nearly 32 acres. That's nearly a mile of wall. It will be over 25 acres of asphalt and concrete. There's not another facility along the San Luis Rey River (possibly in all of Oceanside) that even resembles this monstrosity.

- 2. Based on the site and building/architectural plans, this project will be a warehouse and distribution center and will more than likely run 24 hours a day, 7 days a week. (Even if manufacturing, that is more than likely). So not only will we have dozens to hundreds of trucks daily and around the clock, there will be shift changes creating two to three times the traffic throughout the day. As proposed, all the trucks will be on Benet, personal vehicles, Foussat. A mess.
- 3. The 76 is already "not" an expressway. It has signal lights along its entire length and at any time of day you can sit through three or four, or more, light changes to move (Rancho Del Oro, College, Santa Fe to name a few), and even at Benet (the road slated for all truck traffic), traffic can be backed up west past Canyon Road, and the north I-5 exit can be backed up to the east to Loretta.
- 4. At Benet Road, the road for all truck traffic from the site(Eddie Jones Way), to the 76, it is only around 700 to 800 feet in distance. Trucks in California are allowed to be up to 75 feet long with truck and trailer. With a safety zone between trucks, perhaps 7 to 8 trucks will fill the road, and local traffic will be in that mix/mess or backed up across the river. And the turn lanes are even shorter.
- 5. The acceleration of trucks is also a large problem. If you're behind any number of trucks turning to the 76 or vice versa, there's a high likelihood you won't make the turn. And on the 76 itself, imagine dozens to hundreds of additional trucks vying for space and slowly accelerating at each light. The 76 will become more of a parking lot than it already is.
- 6. Realizing this will be a 24/7 facility you have to rethink not only the traffic, but the night light, the noise, the pollution. The facility has numerous windows for use of daylight, but those will also throw light out during the night operations. The trucks and shift changes require headlights at night, as well as a well lit parking lot for employee safety. The noise at night will also be an issue as the open doors during loading or for ventilation will allow the interior work to be heard, the back-up beepers of trucks and forklifts, and the noise from any diesel vehicle will disturb the night. And, with most, if not all, the trucks being diesel, as well as some personal vehicles, plus the possible hundreds of trucks a day and personal vehicles at shift changes, the air pollution can not be ignored.
- 7. Having spoken to several realtors about the project, they all concur that having to deal with only two access roads and the possible hundreds of more vehicles on Foussat and especially the possible hundreds of trucks on Benet, the value of the cross river real estate will be reduced and people will look to other areas. The influence on the 76 will be a large part of this issue as well. That should be another reason this project is not approvable. 8. The area around the site is filled with open space: the river, the open space to the west of Benet, the undeveloped properties along Alex Road, the canyon north of the east end of Airport Road and all the open space surrounding the north river community (over 1,200 homes) by city open space and Camp Pendleton. How will fires and exiting be dealt with should all the citizens, trucks and employees be on the only two roads? 9. What is the criteria should the tenant utilize hazardous materials or combustible/explosive ones? Will it be allowed?
- 10. It still amazes me that projects are only required to notify properties within 500 feet of a development with the intent to build. For this project, due to north of river housing and the adjacent airport it was expanded to 1500 feet. That still only informed a few dozen homes north of the river and a few businesses along the airport/Airport Road.

If the remainder of north Oceanside, or the citizens of Bonsall, Fallbrook, Vista, and even San Marcos and Carlsbad, that use the 76, were informed of this project, there would be a lot more opposition.

I hope this correspondence gives light to the fact that this project should not have its CUP approved and isn't the right project for this location.

Thanks for your time. If you wish to discuss this, feel free to contact me.

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Rick Taylor 735 Valley Crest Drive Oceanside, CA 92058 rkt.sce@gmail.com 760 274 4700

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Rick Taylor Principal PE SCE (Structural Consulting Engineers) rkt.SCE@gmail.com 760 274 4700

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Response to Comment Letter 122

Rick Taylor November 28, 2023

- The comment asks about the City definitions of "light industrial" and "limited industrial." Please see Thematic Response 5 regarding the City's land use definitions. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- This comment offers an opinion that the project site will be developed as a distribution center and speculates what operations would be like in such a hypothetical situation. In response, project operation is described in Chapter 3 of the DEIR. CEQA does not permit the City to engage in the type of speculative CEQA analysis suggested by the comment. As required, the DEIR analyzes and discloses the project as proposed and designed. The comment does not raise any specific issues concerning the adequacy of the DEIR as it relates to the project; therefore, no further response is required.
- **122-3 122-17** Comments I22-3 through I22-17 are identical to those included in Letter I12, as are pages 4 to 6 of the comment. Please see responses to those comments addressed in Response to Comment Letter I12.

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Comment Letter I23

Robert Dmohowski

From: Jannelle Molina <jannellemolina@me.com>
Sent: Tuesday, November 28, 2023 6:33 AM

To: Robert Dmohowski

Subject: Draft EIR for large warehouse near Oceanside Airport

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Subject: Draft EIR for large warehouse near Oceanside Airport

Hello,

As an Oceanside resident I am against the draft EIR for large warehouse within our city's limits. Please: No project, no build. We need to focus on what residents of Oceanside want, not what big business wants. The environmental impact was lightly touched and should be reconsidered. Traffic and transportation needs to also be reconsidered. I advise driving around the area during high traffic time and you'll see why folks are concerned.

Thanks for your consideration.

Best, Jannelle Molina 92054

123-1

123-2

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Response to Comment Letter I23

Janelle Molina November 28, 2023

- 123-1 This commenter notes they are a resident of Oceanside and are opposed to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- This comment states that transportation analysis in the DEIR needs to be re-evaluated and does not reflect "high traffic time." The comment does not raise a specific issue concerning the adequacy of the DEIR. Please refer to Thematic Response 2 for a discussion of what the traffic analysis is required to evaluate. Additionally, please refer to Section 4.14 of the DEIR for the CEQA required traffic analysis of the project.

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Comment Letter 124

Robert Dmohowski

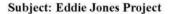
From: Carol <memaeee@aol.com>
Sent: Saturday, December 2, 2023 2:47 PM

To: Robert Dmohowski
Subject: Eddie Jones Project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source



I am strongly opposed to the location of the Eddie Jones Project. This project causes many negative impacts on our nearby communities.

I would like to suggest the following ideas as a better use for the property off Benet and SR76.

1). **AIRPORT HANGARS**: There is a short supply of small aircraft hangars and due to the close proximity to our Oceanside Airport, this would be a desirable location for new hangars.

Perhaps a few private homes with easy access to the airport, that would include a taxi -runway from these private homes, to the airport.

2) NEW CAR DEALERSHIP: Oceanside could use a new car dealership! Reasonable business hours, no big traffic impact, less impact on our environment, lots of revenue for the city/state. Quiet nights, so the Abby can continue serving our community as a peaceful retreat destination for locals and visitors alike.

3)BOWLING ALLEY WITH ARCADE: This would attract locals and visitors to our community. Reasonable business hours, little traffic impact.

Just a few ideas that would not interfere with the lives or safety of our (your) Oceanside residents. These are a few suggestions that would be a better alternative to the mega project proposed.

Please do what's right for our community. HOW WOULD THE CITY OF OCEANSIDE AND ITS RESIDENTS BENEFIT FROM EDDIE JONES PROJECT? They would not. it would not bring one tourist or tourist dollar to Oceanside. It would not make the residents or city planners/ councilmen, proud of Oceanside. HOW DOES THIS MASSIVE PROJECT FIT INTO THE VISION OF OCEANSIDE MOVING INTO THE FUTURE. It does not.

Kindly think carefully about the lives you are affecting when it's time to approve/ disapprove this project.

ecting when it's time to

1

FINAL ENVIRONMENTAL IMPACT REPORT
EDDIE JONES WAREHOUSE, MANUFACTURING & DISTRIBUTION FACILITY PROJECT

124-3

124-1

124-2

SINCERELY, A PROUD RESIDENT OF THE AIRPORT COMMUNITY, Carol Broeland

From Carol's iPad

124-3 Cont.

2

Page 2 of 2 in Comment Letter I24

Response to Comment Letter 124

Carol Broeland December 2, 2023

- The commenter states they are opposed to the location of the project because it would negatively impact nearby areas. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment provides suggestions for other uses of the project site that the author would like to see including airport hangars, private homes, a new car dealership, and a bowling alley with an arcade. The author does not contend that the suggested uses qualify as CEQA alternatives. Please refer to Chapter 8 of the DEIR, which analyzes CEQA compliant project alternatives and discusses the criteria for selection and analysis of alternatives. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment offers opinions about whether the project benefits the City and its residents and how it fits into the author's vision of the City. The project is consistent with the project site's land use designation and zoning and the City's General Plan. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

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Comment Letter I25

Robert Dmohowski

From: caroltripoli@aol.com

Sent: Saturday, December 2, 2023 3:19 PM

To: Robert Dmohowski

Subject: Eddy Jones warehouse/ distribution center

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

PLEASE do not allow this project to move forward. Our community does not need more concrete, more trucks, more air pollution, more traffic.

PLEASE consider something that would draw families of locals and visitors alike, to our wonderful city. EJ project would do nothing to make us a tourist destination, or benefit our residents, nor would it benefit our city in any way. PLEASE, DO NOT ALLOW THIS PROJECT TO MOVE FORWARD IN THAT LOCATION! PLEASE!

125-1

125-2

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Response to Comment Letter I25

Carol Tripoli December 2, 2023

The comment expresses general opposition to the project and asserts the community does not need "more concrete, more trucks, more air pollution, more traffic." The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. See DEIR Sections 4.2, Air Quality, and 4.14, Traffic and Circulation, for an analysis of the project's potentially significant air quality and traffic impacts and a discussion of why those impacts would be less than significant or less than significant with mitigation.

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Comment Letter I26

Robert Dmohowski

From: stefanie Servin < stefanieservin01@gmail.com>
Sent: Saturday, December 2, 2023 7:16 PM

To: Robert Dmohowski
Subject: Amazon warehouse

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Hello, I'm writing this email as a resident of Oceanside about the possible Amazon Warehouse off the 76 highway. If this warehouse gets build that will increase noise, pollution and traffic in that area which is already congested enough at certain times of the day. I am against this project in our neighborhood.

-Stefanie servin

126-1

Response to Comment Letter I26

Stefanie Servin December 2, 2023

The commenter states they are a resident of Oceanside, speculates about Amazon as a user, and expresses opposition to the project. The comment offers a general opinion that the project would increase noise, pollution, and traffic in the area. In response, the DEIR analyzes project impacts related to noise, air quality, and traffic. Please refer to Sections 4.2, 4.11, and 4.14 of the DEIR, as well as Thematic Response Number 3 regarding the speculation about a future user. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Comment Letter 127

Eddie Jones 4.10 Land Use and Planning

4.10.4, page 4.10-8 Impacts Analysis
Would the Project physically divide an established community?

The DEIR states: The physical division of an established community typically refers to the construction of a linear feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local road that would impact mobility within an existing community or between a community and outlying area. The project does not include the construction of a highway or railroad tracks, or the removal of a means of access that would impact mobility within an existing community or between communities.

127-1

As stated, the physical division..."typically refers to the construction or a linear feature...or removal of a means of access." While the Eddie Jones project doesn't include constructing or removing a physical feature, the increase in traffic caused by the number of trucks/trailers will physically divide the established community and our ingress and egress points, of which there are only two (Benet Road and Foussat Road).

The proposed project includes development of a new 566,905 square- foot warehouse and distribution facility on the 31.79-acre project site. As stated earlier in the report, The property was previously occupied by an approximate 172,300 square foot industrial manufacturing facility which was vacated in the summer of 2021 and demolished in 2022.

127-2

The Eddie Jones project is more than three times the size of the previous occupants.

Proposed land uses and implementation of the project would not impede access to any adjacent land uses or roadways.

127-3

As noted above, the increase in trucks/trailers will significantly physically divide and impede access to the adjacent residential area.

4.10.4 Impacts Analysis, page 4.10-9 City of Oceanside Zoning Ordinance

The DEIR states: The City's Zoning Ordinance designates the project site IL- Limited Industrial, corresponding with the General Plan designation of Light Industrial (LI). Article 13 of this Zoning Ordinance states that the Limited Industrial District is intended to "provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses" (City of Oceanside 1992). Consistent with the zoning for the project site, the project proposes to develop a new 566,905 square-foot warehouse and distribution facility on the 31.79-acre project site.

127-4

As stated on the Oceanside Chamber of Commerce webpage, the Oceanside Industrial Park was intended to "attract light manufacturing and industry." Cont. https://www.oceansidechamber.com/oceanside-blog/history-of-oceansides-first-industrial-park 1. The General Plan designation for the property is Light Industrial (LI), with the associated zoning category of Limited Industrial (IL). This is in conflict with the definition provided on the City of Oceanside website. It states, "IL Limited Industrial District. To provide areas appropriate for a wide range of (1) moderate to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) 127-5 commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses. https://www.ci.oceanside.ca.us/home/showpublisheddocument/4022/637953037195830000 Therefore, the project is 1) not in the spirit of the intended use and 2) will have a significant impact on the adjacent residential properties. 4.10.4 Impacts Analysis, page 4.10-11 San Diego Air Pollution Control District This section does not address the increase in vehicle and truck traffic that will increase the air 127-6 pollution. Air pollution impact is addressed in another section, but it fails to note that while the plan should not exceed what is allowable it still increases the pollution beyond what the residents already experience. 4.10.6 Level of Significance After Mitigation Table 4.10-1. City of Oceanside General Plan Consistency Evaluation Page 4.10-12, 1.1 Community Values Objective, Policy Text: To ensure the enhancement of long-term community and neighborhood values through effective land use planning. 127-7 The table continues on and uses zoning ordinances as discussion and argument that the Eddie Jones project is appropriate. However, just because the zoning may be correct (which I have argued previously that it does not), this absolutely does not mean it complies with the "Community Values Objective." The Eddie Jones project has not taken the negative impact this project will have on the long-term (and short-term) community and neighborhood values into consideration. Page 4.10-14, 1.11 Balanced Land Use Objective, Policy Text: To develop and use lands for the long-term provision of a balanced, self-sufficient, and efficient community. Page 1.10-14, Policy 1.11A, Policy Text: The City shall establish and enforce a balanced 127-8 distribution of land uses to organize the City in a hierarchy of activity centers and land use so as to foster a sense of neighborhood, community, and regional identity.

Page 2 of 11 in Comment Letter I27

Page 4.10-14, Policy 1.11B, Policy Text: The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.

The table uses zoning ordinances as discussion and argument that the Eddie Jones project is appropriate. However, just because the zoning may be correct (which I have argued previously that it does not), this does not mean it complies with the "Balanced Land Use Objective." The Eddie Jones project has not taken the negative impact this project will have on "foster[ing] a sense of neighborhood, community, and regional identity." Nor will it "provide a significant benefit to the community."

127-8 Cont.

Page 4.10-16, Policy 1.12C, Policy Text: The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions nor to exposure of toxic, radioactive, or other dangerous materials.

127-9

The increase in trucks/trailers will certainly increase the emissions in the surrounding area, to include a direct, negative impact to the adjacent neighborhood. Even if within policy limits, it is still an increase with a negative impact on the community.

Page 4.10-26, 2.2 Commercial Development Objective, Policy Text: The City shall preserve and enhance viable, positive commercial developments through the proper allocation of the following commercial land use designations: community commercial, neighborhood commercial, special commercial, and professional commercial.

Page 4.10-27, Neighborhood Commercial Policy 2.22A, Policy Text: Neighborhood Commercial shall provide commercial uses which meet the day-to-day commercial needs of the community. Commercial center development is implicit. Key tenants shall be limited to supermarkets, variety stores, drug stores, specialty stores, and similar businesses. Most retail shops, restaurants and services are permitted as minor tenants and "convenience" businesses may be allowed when well integrated into the center's design.

127-10

Page 4.101-27 Neighborhood Commercial Policy 2.22B, Policy Text: Since Neighborhood Commercial centers will meet the daily shopping needs of the community, they shall be located near residential areas along major arterials or secondary arterials, preferably at their intersections with collector streets. Consequently, there shall be limits on their intensity to be compatible with nearby residential areas. Areas shall generally be between 10 and 30 acres.

Nothing of the Eddie Jones Project has been developed or designed with Neighborhood Commercial Policy taken into consideration. While the area is zoned for light industrial purposes, this project provides no value to the adjacent neighborhood and only negatively impacts the adjacent neighborhood.

Page 4.10-28, 2.7 Community Enhancement Policy 2.26B, Policy Text: The City shall not permit the proliferation and/or over- construction of commercial use that generate adverse impacts to the social structure, visual quality, economy, public safety, or well-being of the community.

127-11

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The response is that "the project is not a commercial development, [therefore it] will not result in or contribute to the over construction of commercial uses." While not commercial in nature, Cont. the project will "generate adverse impacts to the social structure...[and] well-being of the community." Page 4.10-30, Circulation Element, Long Range Policy Direction, Goal 1, A multimodal transportation system, which allows for the efficient and safe movement of all people and goods, and which meets current demands and future needs of the population and projected land uses with minimal impact to the environment. 127-12 The addition of trucks/trailers and the traffic caused by only two exits/entrances will severely and negatively impact the adjacent neighborhood as they intend on using one of those exits/entrances (Benet Road). Benet Road is one of only two access roads to the neighborhood. Page 4.10-32, Circulation Element, Long Range Policy Direction, Goal 3, Alternative transportation strategies designed to reduce traffic volumes and improve traffic flow. 127-13 Similar to Goal 2, Goal 3 appears to identify traffic mitigation for employees. Regardless, the project itself adversely impacts traffic volumes and traffic flow with trucks/trailers, not to mention the employees getting to and going from their workplace. Page 4.10-32, Circulation Element, Long Range Policy Direction, Policy 2.4, The City's circulation system shall promote efficient intra- and inter-city travel with minimum disruption to established and planned residential neighborhoods. 127-14 The DEIR states that "this Goal is not directed toward an individual development project." It may not be directed toward an individual project, but clearly the Eddie Jones Project will disrupt and impede the established adjacent neighborhood. Page 4.10-33, Master Transportation Roadway Plan, Objective i. Aim for an acceptable Level of Service (LOS) D or better on all Circulation Element roadways on an average daily basis and at intersections during the AM and PM peak periods. 127-15 The increase in both the employees commuting and the trucks/trailers entering and exiting SR-76 will negatively impact the traffic flow in and out of the adjacent neighborhood. Page 4.10-35, Master Transportation Roadway Plan, Policy 3.10, The City shall require dedication and improvement of necessary rights-of-way along Master Transportation Roadway Plan streets. This usually will occur in fulfillment of a condition of approval for a tentative map or as a condition of approval for a building permit, whichever occurs first. 127-16 Page 4.10-36, Master Transportation Roadway Plan, Policy 3.11, The City shall assure that each addition to the circulation system is a useable link on the total system and that new routes and links are coordinated with existing routes to ensure that each new and existing roadway continues to function as it was intended.

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Page 4.10-36, Master Transportation Roadway Plan, Policy 3.12, The City shall require or provide adequate traffic safety measures on all new and existing roadways. These measures may include, but are not limited to, appropriate levels of maintenance, proper street design, traffic control devices (signs, signals, and striping), street lighting, and coordination with the school districts to provide school crossing signs and protection.

127-16 Cont.

In order for trucks/trailers to turn left onto Benet Road (to access SR-76), traffic control measures (such as a traffic light) would seemingly need to be added at that intersection (Eddy Jones Way and Benet Road). However, adding a traffic light at the corner of Eddy Jones Way and Benet Road would cause additional traffic congestion due to the proximity to SR-76 and eastbound traffic turning northbound onto Benet Road.

127-17

Page 4.10-37, Master Transportation Roadway Plan, Policy 3.20, If the location and traffic generation of a proposed development will result in congestion on major streets or failure to meet the LOS D threshold, or if it creates safety hazards, the proposed development shall be required to make necessary off-site improvements. Such improvements may be eligible for reimbursement from collected impact fees. In some cases, the development may have to wait until financing for required off-site improvements is available. In other cases where development would result in unavoidable impacts, the appropriate findings of overriding consideration will be required to allow temporary undesirable levels of service.

The Eddie Jones Project will contribute to congestion on major streets (SR-76 and Benet Road), directly and negatively impacting the residents of the adjacent neighborhood. There is an anticipated safety hazard with the increase in traffic, especially by trucks/trailers.

Page 4.10-38, Transportation Demand Management, Goal 1, Support programs that encourage increased vehicle occupancies and trip reduction in order for residents to enjoy the quality of life that currently exists in Oceanside.

127-18

The Eddie Jones Project is in direct conflict with this goal. The project brings in a large number of commuters, large enough to require a nearly 600-spot parking log. Additionally, the hundreds of trucks/trailers coming in and out is an exponential increase in vehicle traffic and does not allow the current residents of the adjacent neighborhood to enjoy the quality of life that currently exists.

127-19

Page 4.10-39, Policy 4.1, The City shall encourage the reduction of vehicle miles traveled, reduction of the total number of daily and peak hour vehicle trips and provide better utilization of the circulation system through development and implementation of TDM strategies. These may include, but not limited to, implementation of peak hour trip reduction, encourage staggered work hours, telework programs, increased development of employment centers where transit usage is highly viable, encouragement of ridesharing options in the public and private sector, provision for park-and-ride facilities adjacent to the regional transportation system, and provision for transit subsidies.

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The DEIR states it would implement a voluntary employee rideshare program in order to mitigate the increase in traffic. That appears to be the least possible mitigation action that also does not guarantee actual mitigation. The project brings in a large number of commuters, large enough to require a nearly 600-spot parking log. Additionally, the hundreds of trucks/trailers coming in and out is an exponential increase in vehicle traffic. The Eddie Jones Project will only increase vehicle traffic; any mitigation to reduce is still a large increase from what currently exists.

127-19 Cont.

Page 4.10-45, Community Facilities Element, Policy 0.3, The City shall strive to manage community growth so that public facilities and services to current residents of the community will not be adversely impacts by new development.

127-20

The Eddie Jones Project adversely impacts the access to the adjacent neighborhood. The Eddie Jones Project also adversely impacts the public skate park on Alex Road.

Page 4.10-45, Community Facilities Element, Policy 0.6, The City shall strive to establish control over the quality, distribution, and rate of growth of the City in order to: a) preserve the character of the community; b) protect the open space of the City; c) protect quality of life in the City; d) ensure the adequacy of municipal facilities, libraries, school facilities, and park and recreation facilities and services; e) ensure a balance of housing types and values in the City which will accommodate a variety of families, including families of low and moderate income; f) ensure the balanced development of the City; g) prevent future significant deterioration in the local air quality; h) ensure that traffic demands do not exceed the capacity of the streets; j) ensure that the City does not grow in a manner that places a severe strain on the local freeway system; k) ensure the adequacy of fire and police protection; l) ensure adequate water and sanitary sewage systems; m) ensure adequate stormwater management systems. (The following subcomponents of this policy did not apply to the proposed project: c, d, e, and i).

127-21

The DEIR states "the project would not impact the quality of life within the City." The quality of life for the residents of the adjacent neighborhood will be adversely impacted. The DEIR states, "project air quality impacts would be less than significant." The project brings in a large number of commuters, large enough to require a nearly 600-spot parking log. Additionally, the hundreds of trucks/trailers coming in and out will negatively impact the air quality. The Eddie Jones Project states "impacts to existing intersections and street segments would be less than significant." Again, due to the increased number of commuters and trucks/trailers would negatively impact the existing intersections and streets.

127-22

Page 4.10-51, Circulation System Policy 12.5, Private land developers will continue to be responsible for constructing adjacent and internal Arterial Streets, Collector Streets, and Local Streets necessary to provide access and internal service to their subdivisions in a manner consistent with City standards. Developers will be required to contribute to and correct offsite impacts for local streets, collectors, and arterials to insure and maintain a smooth, functional, and safe circulation system.

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The Eddie Jones Project acknowledges "the proposed project would contribute traffic to a failing intersection (SR-76/Benet Road) under several scenarios. Since the project along would not result in the intersection failing below LOS D a fair share payment of 8.5% towards the improvements at that intersection would be required as a condition of approval for the project." If this project is approved, I would urge Oceanside City to determine what the fair share payment would be; 8.5% seems low to account for the number of commuters and trucks/trailers from solely their project.

127-22 Cont.

Page 4.10-51, Noise Element, Policy 1, Noise levels shall not be so loud as to cause danger to public health in all zones except manufacturing zones where noise levels may be greater.

127-23

The Eddie Jones Project assumes the impacts related to noise were determined to be less than significant. However, the addition of truck/trailer noise is still a significant increase in noise pollution from current conditions.

127-24

Page 4.10-52, Noise Element, Policy 2, Noise shall be controlled at the source where possible.

The DEIR states "all onsite noise is controlled onsite and noise impacts were determined to be less than significant." The Eddie Jones Project does not discuss nor provide mitigation for the noise pollution created from the trucks/trailers.

127-25

Page 4.10-52, Noise Element, Recommendation 4, Truck traffic on residential streets should be prohibited for all vehicles over two tons in weight. This recommendation is based upon complaints from residents subjected to severe noise and disruptions caused by heavy trucks using residential streets not designated for that purpose. (Oceanside currently has no streets prohibited to trucks in excess of certain weight.)

common and

While no trucks/trailers will enter the adjacent residential neighborhood, they will negatively impact traffic flow, noise pollution, emissions, and overall quality of life during the construction period.

Page 4.10-52, Noise Element, Recommendation 5, Land uses in the City of Oceanside should be planned in order to ensure that residential areas will not be impacted by noise. Approval of any project in the City where the health of future residents or occupants may be adversely affected by noise associated with the site should be taken to reduce or abate the noise effects or should be denied approval and recommended for an alternative site (example- a new rest home or hospital should not be constructed in areas subjected to noise levels 65 dBA or higher).

127-26

The Eddie Jones Project uses zoning ordinance as explanation that the adjacent neighborhood will not be affected by the noise created by the project. Even in the Eddie Jones Project's analysis there will be an increase in noise pollution. However, they state it is within allowable standards. Regardless, any increase in noise pollution is still an increase and will render a negative impact on the current and future residents of the adjacent neighborhood.

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Page 4.10-53 Hazardous Waste Management Element, Pollution Prevention, Hazardous Waste Reduction Goal, The goal of the City of Oceanside is the prevention of pollution of the City's air, water, and soil by hazardous materials and hazardous waste to the greatest extent possible. In the context of this City HWME.

127-27

The DEIR states "the project would not result in substantial air pollutant concentrations that would otherwise present a public health hazard." They argue that the increase is insignificant. However, an increase is still an increase from what the residents of the adjacent neighborhood currently enjoy.

Page 4.10-56, Energy and Climate Action Element, Goal ECAE-1a, The Oceanside Community will significantly reduce its dependence on fossil fuels.

The DEIR states it will "comply with the City's CAP" and their "proposed sustainability features include: PV Solar electricity system installed on the building rooftop, drought-tolerant landscaping and water efficient irrigation system, electrical vehicle charging stalls." What it fails to address is that their use of trucks/trailers from their distribution center directly increases the use of fossil fuels in the vicinity of the airport.

127-28

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Eddie Jones 4.9 Hydrology and Water Quality

4.9.1, page 4.9-2 Existing Conditions, Surface Water Quality

The San Luis Rey River is listed on the State Water Resources Control Board (SWRCB) 303(d) list of impaired water bodies. Under Section 303(d) of the Clean Water Act (CWA), states are required to develop lists of water bodies that would not attain water quality objectives after implementation of required levels of treatment by point source dischargers (municipalities and industries). Section 303(d) requires that the state develop a total maximum daily load (TMDL) for each of the listed pollutants as a means to alleviate the impairments within water bodies' surface water. The San Luis Rey River (Lower) is impaired with various pollutants. Upstream agricultural uses, urban runoff, and storm sewers are the likely sources of these pollutants.

127-29

At the risk of stating the obvious, this section states "the San Luis Rey River (Lower) is already impaired with various pollutants." Therefore, the proposed manufacturing facility would only add to the already polluted San Luis Rey River (lower).

4.9.4 page 4.9-10, Impacts Analysis

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

The proposed project would grade the site to have all water drain away from the building onto the proposed surface improvements, to eventually drain via surface flow to a series of inlets within the drive aisles. Additionally, a new buried stormwater conveyance system would route to subterranean vaults/treatment facilities where stormwater would be treated, and flow would be mitigated before being routed and discharged off site (Appendix G).

127-30

While the new buried stormwater conveyance system is beneficial, there is concern with the statement above that water would drain "via surface flow to a series of inlets" to one or more of the three drain basins into the San Luis Rey River. Any pollution from the proposed project would be an increase to an already polluted San Luis Rey River.

4.9.4 page 4.9-11, Impacts Analysis

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

127-31

Although the project would result in a change in the amount of impervious groundcover on the project site, the project would use 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. As stated in the analysis above, all stormwater would be adequately treated by the

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biofiltration basins prior to being discharged (Appendix G). Because the project would use biofiltration and BMPs that would effectively treat stormwater runoff, the project would not have a potentially significant adverse impact on groundwater quality. The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; impacts would be less than significant.

The section begins by stating "there is no published groundwater management plan for the Lower San Luis Rey Valley Groundwater Basin." With no published groundwater management plan, it is difficult to conclude that "the project would not substantially decrease groundwater supplies or interfere with substantially with groundwater recharge such that the project may impede sustainable groundwater recharge such that the project may impeded sustainable groundwater management of the basin; impacts would be less than significant." Additionally, the increase in impervious groundcover on the project site would clearly have a negative impact on groundwater recharge.

127-31 Cont.

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?

The project would discharge directly to the San Luis Rey River and is considered exempt from hydromodification management low-flow requirements (Appendix G).

The project's preliminary hydrology study concludes that project improvements, absent the project's stormwater conveyance system, would result in an increase in peak runoff as compared to the existing condition as a direct result of the increase in impervious area. However, the project includes a new stormwater conveyance system designed to collect surface runoff through a series of private storm drain inlets and piping, which would then convey surface runoff to the underground storage vaults prior to discharging from the property.

127-32

This states that the project's stormwater conveyance system would mitigate runoff and pollution entering the San Luis Rey River. This paragraph provides conflicting information from the section above where it states "the proposed project would grade the site to have all water drain away from the building onto the proposed surface improvements, to eventually drain via surface flow to a series of inlets within the drive aisles." And in a later paragraph, the DEIR states "the existing municipal storm drain system has sufficient conveyance capacity to accept the proposed runoff from the site, which would be reduced by the proposed on-site drainage improvements." The proposed runoff would be reduced but not eliminated. Additional pollutants may enter the already polluted San Luis Rey River.

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4.9.5, page 4.9-15, Mitigation Measures

Impacts related to hydrology and water quality as a result of project implementation are determined to be less than significant, and therefore no mitigation measures are required.

4.9.6, page 4.9-15, Level of Significance After Mitigation

No substantial impacts related to hydrology and water quality were identified; therefore, no mitigation measures are required. Impacts related to hydrology and water quality would be less than significant.

The DEIR provides no actual analysis by which to conclude that 1) no mitigation measures are required and 2) impacts to hydrology and water quality would be less than significant. The bottom line is that the San Luis Rey River already has elevated pollution levels and any increase in pollution to the San Luis Rey River by this project is unacceptable.

6.4.9, page 6-9, Cumulative Effects, Hydrology and Water Quality

As outlined in Section 4.9, Hydrology, implementation of the project would not result in impacts related to water quality, drainage and stormwater capacity, flooding, or groundwater.

This statement would negatively impact 1) the water quality as water would drain "via surface flow to a series of inlets" to one or more of the three drain basins into the San Luis Rey River. Any pollution from the proposed project would be an increase to an already polluted San Luis Rey River and 2) the groundwater as the increase in impervious groundcover on the project site would clearly reduce groundwater recharge and since there is no published groundwater management plan the DEIR cannot conclude that there is no impact.

127-33

127-34

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Response to Comment Letter 127

Kimberly Johnson December 5, 2023

- The comment restates the EIR analysis in Section 4.1 regarding the physical divide of an established community. The commenter states that while the project does not include constructing or removing a physical feature that may divide the community, the associated truck traffic would divide the community and the existing ingress and egress points. This is a recurring comment; please see Response to Comment 09-121 for a detailed response.
- 127-2 The comment states that the project is more than three times the size of the previous occupants. This is a recurring comment; please see Response to Comment 09-122 for a detailed response.
- 127-3 The comment states that the increase in trucks/trailers would significantly physically divide and impede access to the adjacent residential area. This is a recurring comment; please see Response to Comment 09-123 for a detailed response.
- The comment includes text from Section 4.10 of the DEIR and states that on the Oceanside Chamber of Commerce webpage the Oceanside Industrial Park was intended to "attract light manufacturing and industry." This is a recurring comment; please see Response to Comment O9-124 for a detailed response.
- The comment states that the identified General Plan designation for the property as Light Industrial with the associated zoning category of Limited Industrial conflicts with the definition provided on the City of Oceanside's website. This is a recurring comment; please see Response to Comment 09-125 for a detailed response.
- The comment states that Section 4.10 (page 4.10-11, subheading San Diego Air Pollution Control District) does not address the increase in vehicle and truck traffic that would increase air pollution. The comment also states that air pollution impacts are addressed in another section, but that section fails to note that while the plan should not exceed what is allowable it still increases the pollution beyond what the residents already experience. This is a recurring comment; please see Response to Comment O9-126 for a detailed response.
- 127-7 The comment refers to the General Plan Consistency Evaluation table in Section 4.10 of the DEIR and states that just because the zoning may be correct, it does not mean it complies with the "community values objective," and the project would have negative long-term and short-term impacts on the community, which need to be taken into consideration. This is a recurring comment; please see Response to Comment 09-127 for a detailed response.
- This comment references City policies included in the General Plan Consistency Evaluation table in Section 4.10 of the DEIR. The comment states that just because the zoning may be correct, it does not mean it complies with the "balanced land use objective," and the project has not taken into consideration the negative impact on the community. This is a recurring comment; please see Response to Comment 09-128 for a detailed response.

- 127-9 The comment states that the increase in trucks/trailers would increase the emissions in the surrounding area and result in a direct, negative impact to the adjacent neighborhood. This is a recurring comment; please see Response to Comment 09-129 for a detailed response.
- The comment refers to Policies 2.2, 2.2A, and 2.22B in DEIR Section 4.10, Table 4.10-1, City of Oceanside General Plan Consistency Evaluation. The comment states that nothing about the project has been developed or designed with the Neighborhood Commercial Policy taken into consideration, and while the area is zoned for light industrial purposes, the project would provide no value to the adjacent neighborhood. This is a recurring comment; please see Response to Comment 09-130 for a detailed response.
- The comment refers to Policy 2.26B in DEIR Section 4.10, Table 4.10-1. The comment states that while not commercial in nature, the project would generate adverse impacts to the social structure and well-being of the community. This is a recurring comment; please see Response to Comment 09-131 for a detailed response.
- 127-12 The comment references Goal 1 in DEIR Section 4.10, Table 4.10-1, and states that the addition of trucks/trailers and the traffic caused by only two exits/entrances would severely and negatively impact the adjacent neighborhood, as Benet Road is one of only two access roads to the neighborhood. This is a recurring comment; please see Response to Comment 09-132 for a detailed response.
- 127-13 The comment references Goal 2 and 3 in DEIR Section 4.10, Table 4.10-1, and states that regardless of proposed mitigation, the project would adversely impact traffic volumes and traffic flow with trucks/trailers, as well as employees getting to and from their workplace. This is a recurring comment; please see Response to Comment 09-133 for a detailed response.
- 127-14 The comment references General Plan Policy 2.4 and states that the project would disrupt and impede the established adjacent neighborhood. This is a recurring comment; please see Response to Comment O9-134 for a detailed response.
- 127-15 The comment references the City's Master Transportation Roadway Plan, Objective i, and states that the increase in employees commuting and trucks/trailers entering and exiting SR-76 would negatively impact the traffic flow in and out of the adjacent neighborhood. This is a recurring comment; please see Response to Comment O9-135 for a detailed response.
- The comment refers to the City's Master Transportation Roadway Plan Policies 3.10, 3.11, and 3.12. The comment states that in order for trucks/trailers to turn left onto Benet Road (to access SR-76), traffic control measures such as a traffic light would seemingly need to be added at that intersection (Eddy Jones Way and Benet Road). However, adding a traffic light at the corner of Eddy Jones Way and Benet Road would cause additional traffic congestion due to the proximity to SR-76 and eastbound traffic turning northbound onto Benet Road. This is a recurring comment; please see Response to Comment O9-136 for a detailed response.
- 127-17 The comment refers to the City's Master Transportation Roadway Plan Policy 3.20 and states that the project would contribute to congestion on major streets (SR-76 and Benet Road), directly impacting the residents of the adjacent neighborhood and creating safety hazards. This is a recurring comment; please see Response to Comment 09-137 for a detailed response.

- 127-18 The comment references the City's Transportation Demand Management Goal 1 and states that the project would be in direct conflict with this goal as the project would bring in a large number of commuters and truck related traffic, impacting the quality of life for the adjacent neighborhood. This is a recurring comment; please see Response to Comment 09-138 for a detailed response.
- 127-19 The comment references City General Plan Policy 4.1 and expresses concerns related to the project's proposed employee rideshare program to mitigate the increase in traffic. This is a recurring comment; please see Response to Comment 09-139 for a detailed response.
- 127-20 The comment references City General Plan Community Facilities Element Policy 0.3. The comment states that the project would adversely impact access to the adjacent neighborhood and the public skate park on Alex Road. This is a recurring comment; please see Response to Comment 09-140 for a detailed response.
- 127-21 The comment references City General Plan Community Facilities Element Policy 0.6. The comment states that the project would adversely impact the quality of life for adjacent residences by introducing a large number of commuters and trucks/trailers and impacting existing intersections and streets. This is a recurring comment; please see Response to Comment 09-141 for a detailed response.
- 127-22 The comment references General Plan Circulation System Policy 12.5 and states that the project acknowledges the contribution of traffic to the failing intersection at SR-76 and Benet Road and urges the City to determine what the fair share payment would be, as the proposed 8.5% fair share payment seems low. This is a recurring comment; please see Response to Comment 09-142 for a detailed response.
- The comment refers to General Plan Noise Element Policy 1 and states that the addition of truck/trailer noise would still be a significant increase in noise pollution from current conditions even though the DEIR determined impacts to noise would be less than significant. This is a recurring comment; please see Response to Comment O9-143 for a detailed response.
- 127-24 The comment refers to General Plan Noise Element Policy 2 and states that the DEIR does not discuss or provide mitigation for the noise pollution created from the trucks/trailers. This is a recurring comment; please see Response to Comment 09-144 for a detailed response.
- 127-25 The comment refers to General Plan Noise Element Recommendation 4 and states that while no trucks/trailers would enter the adjacent residential neighborhood, they would negatively impact traffic flow, noise pollution, emissions, and overall quality of life during the construction period. This is a recurring comment; please see Response to Comment 09-145 for a detailed response.
- The comment refers to General Plan Noise Element Recommendation 5 and states that the project uses the zoning consistency to explain that the adjacent neighborhood would not be affected by the noise created by the project. The comment states that the DEIR concludes that there would be an increase in noise, but it would be within the allowable standards. However, this increase in noise would still render a negative impact on the residents of the adjacent neighborhood. This is a recurring comment; please see Response to Comment 09-146 for a detailed response.

- 127-27 The comment references the City General Plan Hazardous Waste Management Element, Hazardous Waste Reduction Goal. The comment states that while the DEIR determined that impacts related to air pollutant concentrations would be less than significant, there would still be an increase from what the residents of the adjacent neighborhood currently enjoy. This is a recurring comment; please see Response to Comment 09-147 for a detailed response.
- The comment references the City General Plan Energy and Climate Action Element, Goal ECAE-1a. The comment states that while the project would comply with the City's CAP and incorporate sustainability features, the project fails to address the use of trucks/trailers from their distribution center directly increasing the use of fossil fuels in the vicinity of the airport. In response, please refer to Section 4.2, Air Quality, and Section 4.7, Greenhouse Gases, which address this concern in detail.
- The comment references text from Section 4.9 of the DEIR and states that the DEIR acknowledges that the San Luis Rey River is already impaired with various pollutants, and therefore the project would only add to the already polluted San Luis Rey River. In response, as analyzed in Section 4.9 of the DEIR, the project is required by law to comply with the NPDES SWRCB Construction General Permit Order No. 2009-0009-DWQ for stormwater discharges and general construction activities and would incorporate standard BMPs such as regular cleaning or sweeping of construction areas and impervious areas, in addition to runoff controls. In compliance with the Construction General Permit Order 2009-0009-DWQ, a stormwater pollution prevention plan (SWPPP) would be prepared for the project that specifies BMPs that would be implemented during construction to minimize impacts to water quality in accordance with the law and the General Construction Permit. Construction BMPs to be implemented on site during construction include erosion control devices; collection and containment of all construction trash, waste, and debris; routine site sweeping; and covering of exposed dirt piles with tarps. Compliance with the General Construction Permit, SWQMP, SWPPP, and BMPs would ensure construction-related impacts to water quality would not be significant.
- 127-30 The comment references text from Section 4.9 of the DEIR and states that while the new buried stormwater conveyance system would be beneficial, there is a concern that the water would drain via surface flow to a series of inlets that would drain to the San Luis Rey River. The project states that any pollution from the proposed project would be an increase to an already polluted San Luis Rey River. Please see Response to Comment I27-29.
- The comment references text related to groundwater in Section 4.9 of the DEIR. The comment states that with no published groundwater management plan it is difficult to conclude the project would not substantially decrease groundwater supplies or interfere with groundwater recharge. In response, as analyzed under this threshold in Section 4.9 of the DEIR, the project would not use groundwater during construction or operation. According to the geotechnical investigation report (DEIR Appendix L), groundwater was encountered at depths between about 7.0 and 7.5 feet below ground surface, corresponding to elevations between about +18.5 and +20 feet mean sea level, and should be anticipated during construction of the proposed project. Dewatering methods may be necessary during excavations on site and would be evaluated and implemented by an experienced dewatering subcontractor, if required. The process of dewatering typically involves the use of dewatering pumps that are placed directly into the ponding area, and water is pumped and redistributed to another location. If dewatering is required during construction activities, the water being pumped would be discharged onto another portion of the site, which would eventually infiltrate back into the groundwater table.

Although the project would result in a change in the amount of impervious groundcover on the project site, the project would use 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 identified in the City of Oceanside BMP Design Manual. As stated in the analysis above, all stormwater would be adequately treated by the biofiltration basins prior to being discharged (DEIR Appendix G). Because the project would use biofiltration and BMPs that would effectively treat stormwater runoff, the project would not have a potentially significant adverse impact on groundwater quality.

Furthermore, the project site is located in an urban setting, adjacent to the Oceanside Municipal Airport, and was previously developed with an industrial use. Development of the project would improve the current state of the site as a result of site cleanup and remediation from the previous use on site.

127-32 The comment references text related to project drainage from Section 4.9 of the DEIR and Appendix G to the DEIR. The comment states that the analysis regarding drainage is conflicting and the project could result in additional pollutants entering the already polluted San Luise Rey River. In response, as analyzed in Section 4.9 of the DEIR and as described in the SWOMP (Appendix G to this DEIR), existing drainage on site is both natural and urban. There are a host of landscaped and hardscaped areas all draining toward on-site storm drain inlets in three different directions, constituting three major drainage basins: (1) a section of the project site to the north drains northeast onto the adjacent property to the east; (2) another drainage basin, which covers the majority of the project site, collects around the northern side of the project site and is routed to drain northwest into the San Luis Rey River basin through means of a pipe to the northwest; (3) a third basin is on the southwestern portion of the project site, where runoff drains southwest to Benet Road. The existing storm drain conveyance systems on site are composed of hardscape and various types of gutters that drain to on-site storm drain inlets; these inlets have subterranean pipes attached that convey water off site/to larger pipes. Additionally, there is a headwall and 24-inch reinforced concrete pipe on the west side of the project site that drains to Benet Road. To the northwest, there is a 36-inch reinforced concrete pipe that drains to the San Luis Rey River basin. Runoff from off site is not accepted onto the project site in existing conditions.

Construction activities associated with the project could result in wind and water erosion of the disturbed area, leading to sediment discharges. Fuels, oils, lubricants, and other hazardous substances used during construction could be released and impact water quality. The project is required by law to comply with the NPDES SWRCB Construction General Permit Order No. 2009-0009-DWQ for stormwater discharges and general construction activities and would incorporate standard BMPs such as regular cleaning or sweeping of construction areas and impervious areas, in addition to runoff controls. In compliance with the Construction General Permit Order 2009-0009-DWQ, a stormwater pollution prevention plan (SWPPP) would be prepared for the project that specifies BMPs that would be implemented during construction to minimize impacts to water quality in accordance with the law and the General Construction Permit. Construction BMPs to be implemented on site during construction would include erosion control devices; collection and containment of all construction trash, waste, and debris; routine site sweeping; and covering of exposed dirt piles with tarps. Compliance with the General Construction Permit, SWQMP, SWPPP, and BMPs would ensure construction-related impacts to water quality would not be significant.

The proposed project would grade the site to have all water drain away from the building onto the proposed surface improvements, to eventually drain via surface flow to a series of inlets within the

drive aisles. Additionally, a new buried stormwater conveyance system would route to subterranean vaults/treatment facilities where stormwater would be treated and flow would be mitigated before being routed and discharged off site (Appendix G).

In accordance with the City of Oceanside BMP Design Manual, structural BMPs would be implemented on site in order to reduce the quantity of pollutants in stormwater discharges. The structural BMPs implemented on site would include a privately maintained proprietary biofiltration treatment facility and an underground tank storage facility/detention vault. These two systems would be used in conjunction to reduce pollutants, improve water quality, and minimize the potential for stormwater discharges into the MS4 to cause altered flow regimes and excessive downstream erosion in receiving waters. The project would also implement site design BMPs in order to reduce the rate and volume of stormwater runoff. The project's site design BMPs would include maintaining natural drainage pathways, minimizing impervious area and soil compaction where practical, dispersing impervious areas, and landscaping with native or drought-tolerant species. Lastly, the project would implement source control BMPs to assist with reducing pollutants in stormwater runoff. The source control BMPs proposed include the prevention of illicit discharges into the MS4, identification of the private storm drain system with stenciling or signage, and the protection of trash storage areas from rainfall by enclosing and covering the trash storage areas.

During operations of the project, project site surfaces would be covered by pavement or landscaping, approximately 25.22 acres of impervious area and 5.42 acres of landscape area. The project would include a new stormwater conveyance system designed so that surface runoff would be controlled in a manner to avoid erosion and sedimentation in accordance with regulations and the prepared SWQMP (DEIR Appendix G). As described in response to Threshold (a) in DEIR Section 4.9, the project would have three discharge locations or points of compliance (POCs)—POC 1, POC 2, and POC 3. The project would discharge directly to the San Luis Rey River and is considered exempt from hydromodification management low-flow requirements (DEIR Appendix G). The project would be required to 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. Additionally, the proposed landscaped areas on site would remove sediment and particulate-bound pollutants from stormwater prior to leaving the project site.

The project site has been previously graded and currently consists of a vacant site that was previously occupied with an industrial manufacturing building. Overland runoff flows through the site to three different discharge locations from the property, one in the southwest corner to Benet Road, one in the northwest corner to the San Luis Rey River, and one in the northeast corner to the adjacent parcel. According to the preliminary hydrology study performed by Pasco Laret Suiter and Associates Inc. (DEIR Appendix F), runoff from the project site is captured by existing storm drains around the boundary of the project site. Runoff is then collected in the City's storm drain system and fed into either the San Luis Rey River or the adjacent property.

The project's preliminary hydrology study concludes that project improvements, absent the project's stormwater conveyance system, would result in an increase in peak runoff as compared to the existing conditions, as a direct result of the increase in impervious area. However, the project would include a new stormwater conveyance system designed to collect surface runoff through a series of private storm drain inlets and piping, which would then convey surface runoff to the underground storage vaults prior to discharging from the property. The project would also use Modular Wetlands proprietary biofiltration

treatment devices to comply with the water quality component of the MS4 permit. Additionally, an outlet module installed as part of the detention vault, consisting of a system of weirs and connected to an outlet pipe, would further serve to mitigate peak flows before discharging directly off site (DEIR Appendix F). The preliminary hydrology study calculated and concluded that the project's new stormwater conveyance and detention system would mitigate flows during the peak of a 100-year, 6-hour storm event to pre-development conditions (DEIR Appendix F). Due to the new water conveyance system, the project would not substantially alter the existing drainage pattern of the site or area.

The analysis throughout Section 4.9 of the DEIR addresses different CEQA thresholds related to drainage.

- 127-33 The comment refers to Section 4.9 of the DEIR and states that there is no analysis by which to conclude that no mitigation is required for hydrology and that impacts would be less than significant. The comment states that the San Luis Rey River already has elevated pollution levels and any increase by the project is unacceptable. Please see Response to Comment 127-32. The analysis and impact determination in Section 4.9 of the DEIR was based on the Hydrology and Hydraulics Report (Appendix E to the DEIR), the Drainage Study (Appendix F to the DEIR), and the SWQMP (Appendix G to the DEIR), which were prepared by technical experts and engineers.
- 127-34 The comment references the cumulative hydrology analysis in Chapter 6 of the DEIR. The comment states that the project would negatively impact the water quality of the San Luis Rey River, as well as groundwater and groundwater recharge. Please refer to Responses to Comments I27-31 through I27-33.

Comment Letter I28

Robert Dmohowski

From: Juan Canet <juan_canet@yahoo.com>
Sent: Wednesday, December 6, 2023 5:01 PM

To: Robert Dmohowski
Subject: Eddie Jones Project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Mr. Dmohowski,

I'm writing as an Oceanside resident and advocate for a better and safer Oceanside. I would like to express my strong opposition to the Eddie Jones project, which just released its draft environmental impact report (EIR). The draft EIR downplays this massive warehouse's negative impact on the natural environment and the residential community nearby. The massive uptick in traffic alone that these commercial semi-trucks will create should be enough to reject such a project. But the uptick in noise pollution and air pollution along the San Luis Rey River ecosystem and nearby 1,200 homes are arguably worse side effects of such a mega project. We cannot allow such a project to be built in such close proximity to wildlife habitat and neighborhoods.

I think this idea is sorely out of touch with reality and also does not put into account how Highway 76 is already congested as is in a majority of the area between Interstates 5 and 15, as it is apparently utilized as a corridor between the two.

Looking in the long sighted end, Oceanside does not need jobs that pay peanuts and hinder residents from being able to afford housing in this city. I think instead there needs to be more tech jobs offered.

I urge you to please reconsider this project.

Very Respectfully,

Juan Canet

128-1

128-2

128-3

128-4

Response to Comment Letter 128

Juan Canet December 6, 2023

- The commenter states they are a resident of Oceanside and are opposed to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment expresses an opinion about truck trips, noise pollution, air pollution, and proximity to the San Luis Rey River as justifying a denial of the project. The DEIR evaluates potential impacts to air quality in Section 4.2, biological resources in Section 4.3, noise in Section 4.11, and traffic in Section 4.14. The analysis demonstrates that project impacts would be less than significant or would be reduced to less than significant with mitigation. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment states that State Route 76 is already congested and works as a corridor between Interstates 5 and 15. The comment does not raise a specific issue with the adequacy of the DEIR. Please refer to Section 4.14 of the DEIR, which addresses traffic impacts. Additionally, please refer to Thematic Response 2, which provides more information on the traffic analysis required for the project. No further response is required.
- The commenter expresses an opinion regarding the types of jobs needed in the city. CEQA does not evaluate the type of social and economic matters identified in the comment. As the comment does not raise any specific issues concerning the adequacy of the DEIR, no further response is required.

Comment Letter 129

Robert Dmohowski

From: George Marengo < george.marengo@gmail.com>
Sent: Wednesday, December 6, 2023 8:11 AM

To: Robert Dmohowski
Subject: Eddy Jone DEIR

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

1) 4.14.4 Impacts Analysis, page 4.14-6 - "As demonstrated in Appendix I, the proposed project would contribute traffic to a failing intersection (SR-76/Benet Road) under several scenarios. Since the project alone would not result in the intersection failing below LOS D, the project proposes a fair share payment of 8.5% towards the provisions of converting the existing eastbound and westbound right turn lanes in each direction."

129-1

I say nonsense to the claim that "...the project alone would not result..." because there would be no need to update the eastbound and westbound right turn lanes without this giant warehouse project. Since the warehouse is THE reason the turn lanes would need improvement, I think that the project should pay 100% of the costs of turn lane improvements.

129-2

2) page 4.14-8 - The VMT of the project without mitigation would have a potentially significant effect on traffic, which they propose to counter by having a voluntary employer commute program.

129-3

My response is that the project should go further and have a PAID voluntary commute program. My previous SoCal employer also had a voluntary commute program, howler, the company supplied all the carpool cars and vans, including covering all vehicle maintenance and fuel reimbursement. This was done to provide a real incentive for employees to participate in the voluntary car pool program.

129-4

3) 6.4.17 Wildfire, page 6-13 - While it's fine that the warehouse does not increase the risk of wildfires in the area, I would like to see a commitment by the warehouse that any notification of fire that may threaten the houses to the north of the warehouse would trigger a notification to ALL inbound/outbound big rigs to stop their trip to or from the warehouse.

129-5

George Marengo 931 Rivertree Drive 760-505-6376

Response to Comment Letter 129

George Marengo December 6, 2023

- The comment is referencing text in Section 4.14 of the DEIR that includes an analysis of the project's change in level of service (LOS). The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please see Response to Comment I29-2 below.
- The comment is following up on the prior comment regarding fees the project is required to pay for traffic improvements. In response, please see Responses to Comments 05-15, 09-168, and I1-3 related to fair share payments for traffic impacts.
- The comment references text in Section 4.14 of the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please see Response to Comment I29-4 below.
- The comment states that the project should incorporate a paid voluntary commute program. In response, please see Responses to Comments 05-17 and 012-20 that also comment on the VMT mitigation measure.
- The comment acknowledges that the project would not increase the risk of wildfire danger. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. The comment requests the project applicant or tenant(s) notify trucks accessing or leaving the site in the event of a wildfire to stop their trips. The comment is noted.

Comment Letter I30

December 6, 2023 Planning Division ATTN: Rob Dmohowski City of Oceanside 300 North Coast Highway Oceanside, California 92054 SUBJECT: Response to Draft EIR 130-1 Proposed Eddie Jones Warehouse Project 250 Eddie Jones Way AKA 3390 Alex Road Oceanside, California 92058 Dear Planning Division, Below is my response to the draft EIR presented by the developer for the proposed Eddie Jones Warehouse project. The draft EIR commences with an Executive Summary which presents an overview of the proposed project and itemizes a number of issues that are to be 130-2 addressed from an environmental impact perspective. Included as attachments are a number of Appendices dealing with specific issues. This proposed project cannot be viewed in isolation from the activities that would occur therein and on the site; of logical necessity, they will go hand-in-hand in any valid assessment. This proposed warehouse is a spec building, and as of this time, 130-3 the developer has said there are no tenants. It will be difficult to properly assess the environmental issues resulting from usage of this building when the future tenants and their types of businesses and business activities are unknown. However, with this being said, the proposed project is a warehouse and distribution facility with 114 truck bays – period! It is irrelevant that the developer has indicated that he will drop the count by half to 57 truck bays. Why? The other 57 130-4 truck bay slots will simply be walled off with non-load bearing walls that could be removed at any time in the future and restored to full truck bay usage. Unfortunately, this EIR is so fatally flawed on so many levels that the Planning Division should reject it in its entirety outright. This EIR would require a substantial rewrite to correct the factually incorrect assertions by the developer that

1

there are NO significant negative impacts with this project when it is obvious that there ARE significant negative impacts with this project. It is doubtful that the 130-5 developer will be able to mitigate some of these negative impacts to make this Cont. project acceptable. This EIR can best be viewed as unresponsive to the purpose of what an EIR is supposed to achieve; it fails to meet the goals and intent of CEQA. Furthermore, the proposed project does not provide ANY positives to the City of Oceanside or to the communities (both residential and commercial) adjacent to it and along the Highway 76 corridor. In fact, this proposed project would create 130-6 negatives on all issues of significant concern to the public, and therefore, to the City of Oceanside. The citizens of Oceanside are not opposed to development on this site. However, we are adamantly opposed to the construction of this enormous monstrosity which would, by its very presence, impose extreme negative consequences on both the 130-7 residential and commercial neighborhoods near it, and have other adverse consequences impacting communities all along the entire Highway 76 corridor, and to the City of Oceanside in general. Additionally, and quite importantly, this project would have extreme adverse consequences impairing the functioning of the 130-8 Prince of Peace Abbey nearby. The absolute size of this EIR boggles the imagination. We feel this was intentional on the part of the developer so as to allow them to "bury" pertinent issues 130-9 somewhere deep within the EIR, making it difficult for interested parties to analyze the information and appropriately respond with their informed concerns. Translation – making it quite difficult to find the needles in the haystack. Additionally, and quite importantly, there is a genuine Conflict of Interest between the developer and the company preparing this EIR. If the preparer of this EIR truly had done their due diligence, all the negatives of this project would be factually presented in precise detail with a probable recommendation that this project not go 130-10 forward. However, if the EIR company actually did such due diligence and recommended against this project, it would be out of business in short order since other developers would not engage the services of such a company that might throw a monkey wrench into their works with an honest and factually correct EIR. The EIR company therefore is constrained to soft pedal any negatives, only mentioning them "in passing" within the EIR or down playing and/or minimizing 130-11 the actual impacts with terminology, such as, "less than significant" after mitigation. This approach can easily be achieved by the EIR company by adding

Page 2 of 8 in Comment Letter I30

2

voluminous amounts of padding material and boiler plate attachments and enclosures, the result of which is to obscure the important issues and concerns regarding the negatives created by this proposed project. Many of the "less than significant" claims in this EIR are basically self-serving opinions; the facts state otherwise.

130-11 Cont.

During the two so-called "Community Outreach" presentations the developer staged earlier this year (which I attended), we were presented with essentially a slick, one-sided, and well-choreographed sales presentation. All of the issues of concern to us were presented with self-serving verbiage seeking to minimize these issues or were deftly avoided by the developer during the presentations and the Question and Answer periods. In fact, it was obvious to those of us in attendance that the developer's sole reason for doing these presentations was to be able to check the "Community Outreach" boxes on the Planning Division's check list for "required" developer actions.

130-12

Now, as to some specifics outlined in the Executive Summary ...

Section ES.1, Introduction

This section states "... public agencies should not approve projects that would result in significant effects on the environment if there are feasible mitigation measures or alternatives that can mitigate or avoid these effects." The hard fact is that some of the significant effects on the environment this project will create cannot be mitigated or avoided and the developer knows this!

130-13

Section ES.4, Identifies "Effects Not Found To Be Significant"

This section states "no impact or less-than-significant impacts" for a number of topics. Among these are greenhouse gas emissions (which are a significant component of air quality that is mentioned in Section ES.5), noise, and traffic and circulation. Unfortunately, it is precisely these three effects that will have significant and severe adverse impacts upon the surrounding residential and commercial neighborhoods, and the people therein. These adverse impacts (especially traffic) will also extend outward along the Highway 76 corridor in both directions and will also adversely affect people living within or utilizing this corridor. Identifying these three significant impact items in this paragraph as essentially insignificant is a blatant attempt to "ignore" their factual importance and thereby virtually sweep them under the rug without due consideration.

130-14

130-15

3

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A 114-truck bay warehouse would create a considerable amount of diesel exhaust and carcinogenic particulate matter as diesel semi-trucks continuously enter and exit the facility, generate constant and potential 24/7 noise, and create extreme traffic congestion on Benet Road in particular and Highway 76 between Interstate 5 to the west and Interstate 15 to the east in general.

130-16

Also, as to additional noise, this project would probably have all its HVAC equipment mounted on the building's roof, thereby subjecting the nearby neighborhood and residents to the constant din of this noise from such elevated equipment. Additionally, since there are no known tenants yet for this facility, it is further difficult to assess the added noise potential from future tenant activity. With 114 truck bays, many of which could be open at any one time, the noise generated from within this building from warehouse and/or manufacturing activities (e.g., forklift vehicles, manufacturing equipment, etc.) would be broadcasted to the outside on a rather continuous basis. Collectively, the combination of all noise sources would induce added and cumulative stress upon residents who would have no effective way to avoid this noise health hazard.

130-17

The Highway 76 corridor (from Interstate 5 to College Boulevard) is a shallow valley. In the residential neighborhood immediately to the north of this proposed project, the breezes generally flow from south to north. This would result in all the 24/7 diesel truck pollution from this project moving directly over this neighborhood of over 1,200 homes, on a continuous basis. Additionally, on many evenings, the breezes stop and the air becomes calm and remains still for much of the night. The net result would, in effect, act like an inversion layer over the neighborhood trapping and concentrating this air pollution and carcinogenic particulate matter for significant amounts of time, to the health detriment of all residents. Ignoring this issue is a failure and fatal flaw in this EIR.

130-18

Regarding traffic and circulation, Highway 76 is already subject to extreme congestion, especially so during the extended morning and evening rush hours. All one has to do is stand at the corner of Benet Road and Highway 76 to see this first hand. The use of data from some generally used data bases regarding "average traffic impacts" does not apply here, since the current traffic on Highway 76 would be an outlier on the high side of any such data base. The traffic and circulation numbers the developer has presented to us grossly understates what the actual and expected numbers would be. There needs to be a competent and realistic evaluation of traffic and circulation issues to determine realistic numbers. Ignoring this issue is also a failure and fatal flaw in this EIR.

130-19

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The Ocean Kamp project to the immediate east of this project already has approval for over 600 new housing units. These units alone will account for at least 1,400 to 2,000 additional car trips daily on Highway 76. Add to that those trips that will also be generated by use of the Ocean Kamp resort and its adjacent hotel, and traffic congestion will only get much worse. Oceanside does not need a massive infusion of additional semi-truck traffic onto Highway 76 and the gridlock to which it would contribute.

130-20

Section ES.5 Identifies "Impacts Determined to be Significant"

This section identifies "air quality" as a significant issue, which goes hand-in-hand with the greenhouse gas discussion under Section ES.4 above. The paragraph then goes on to state:

"However, implementation of mitigation measures would reduce those potentially significant impacts to a less-than-significant level."

130-21

This statement is so absurd with regard to air quality. There is no way the developer can reduce or mitigate the air pollution impact from diesel semi-trucks, employee automobiles, fork lift exhaust, *etc.*, to less-than-significant levels. These elements are totally outside the developer's control, or even future tenants' control. The quoted statement from Section ES.4 constitutes a fatal flaw in this EIR in that it states and asserts something that is factually incorrect, and significantly so.

Section ES.6, Significant and Unavoidable Impacts

This section states "As discussed in this EIR, implementation of the project would not result in any significant and unavoidable impacts." This statement summarizes the developer's self-serving view on this matter, and on its face is absurd, disingenuous, and at odds with reality. Unfortunately, this statement is factually incorrect and the central fatal flaw in this EIR.

130-22

Regarding developer statements on "mitigation," many are simply just self-serving "justification for everything" statements, which are unresponsive to the actual issues of concern and at variance with objective reality.

Section ES.7 Identifies "Analysis of Alternatives"

This section and its subsections address alternatives to the proposed project. Unfortunately, all of the alternatives mentioned (except Section ES.7.1 – No Build)

130-23

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still fixate on building one or more similar large buildings, or multistory building(s), with square footage approximating the original proposal. The alternatives presented basically provide a choice between **bad**, **worse** and **worst** possible choices. The optimal alternative is espoused in Section ES.7.1, which is **NO BUILD**.

130-23 Cont.

Absolutely NOWHERE is there any competent discussion of meaningful alternatives to the developer's fixation on warehouse/distribution/manufacturing usage and embracement of the "big box" mentality.

130-24

Several viable alternative development ideas have already been voiced by local individuals, but essentially ignored by the developer. Contrary to the developer's contention, Oceanside does not need or want additional warehouse, distribution or manufacturing capacity; this view is supported by the fact that another smaller distribution building project that a developer wanted to build in Oceanside was voted down and not built. The outdated current zoning for this site is unfortunate since it does not provide for (and actually hinders) the highest and best use of this land for today and tomorrow's Oceanside.

130-25

Despite any of the developer's assertions and protestations to the contrary, this project provides practically NO meaningful benefits to the City of Oceanside or its residents. The developer's arguments about "jobs" are red herrings. Warehouse jobs are notoriously close to minimum wage. Such future employees would not be able to afford to live in Oceanside due to the high cost of housing, but would necessarily need to commute daily from distant communities (hence more traffic congestion and air pollution). Arguments about the "tax benefits" to Oceanside are also a red herring. Whatever future development occurs on this site will provide a comparable increase in property tax revenue for the City of Oceanside; likewise, regarding any potential sales tax benefits. The only one to benefit from this project will be the developer.

130-26

Placement of this project on this site is totally inconsistent with the direction the City of Oceanside is moving for its future. Oceanside's vision for the future is tourism and for Oceanside to be seen as a much sought after "vacation destination" for tourists. To complement this future, development should focus on providing opportunities for additional and meaningful recreational experiences for both tourists and locals, such as Ocean Kamp will do. If the Eddie Jones project were built, it would essentially impose a permanent blight on Oceanside and significantly diminish the quality of life in the surrounding areas.

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Based on the concerns outlined above, the data presented in Table ES.7-1 (Comparative Summary of Alternatives Under Consideration and Proposed Project) is highly questionable as to its validity, with the exception of the No Build option.

130-20 Cont.

Section ES.8 Identifies "Issues to be Resolved by Lead Agency"

The first sentence in this paragraph states:

"The City must review the project and this EIR and determine if the project or one of the alternatives presented in the alternatives analysis should be approved and implemented."

Given that this proposed project has numerous significant adverse negative environmental impacts on the residential and commercial neighborhoods in the area, and presents NO positive aspects for the City of Oceanside or its residents, the only viable choice for project approval is that presented under Section ES.7.1 – the NO BUILD option. Any of the other options enumerated under Section ES.7 would be to the detriment of the City of Oceanside and its citizens. This project, as currently outlined, should under no circumstances be approved or built.

130-27

Recommendations:

Given all the extensive shortcomings outlined above regarding this draft EIR, the bottom line is that the Planning Division:

- 1. Should reject this draft EIR as presented due to the many identified fatal flaws and factually incorrect assessments presented therein.
- Should require the developer to fully redo their draft EIR to correct these noted deficiencies and resubmit a revised draft EIR for reconsideration; such a revised draft EIR must, of logical necessity, embrace factually correct assessments of the issues.
- Should require the developer to provide meaningful and useful alternative development options to their singular "big box" fixation approach as currently expressed in Section ES.7.

130-28

7

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- 4. Should require the developer to retain the NO BUILD option currently identified in Section ES.7.1 in any revised EIR document (both draft and final).
- 5. If the developer is unwilling to redo their fatally flawed draft EIR, then deny approval of this entire project forthwith (select the NO BUILD option).

Sincerely yours,

Edwin Jenkins 543 Blue Jay Court Oceanside, CA 92058

858-449-3015

130-28 Cont.

8

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Response to Comment Letter I30

Joseph Jenkins December 6, 2023

Please see Responses to Comments to 09-1 through 09-22 in Response to Comment Letter 09 of this document, as those comments are identical to the comments included in this letter.

Comment Letter I31

Robert Dmohowski

From: Ana Maria HF <nanitahallman@gmail.com>
Sent: Thursday, December 7, 2023 10:59 AM

To: Robert Dmohowski

Subject: I Oppose the Amazon Warehouse

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Mr. Dmohowski,

My name is Ana Maria Hallman-Franich and I am a resident of Oceanside, along with my husband, my two kids, my parents and my sister. I am writing to let you know that I strongly oppose build an Amazon warehouse in Oceanside, especially in the location where it is being proposed.

That area already deals with a lot of traffic congestion and the warehouse will add more, as well as noise pollution and environmental degradation due to its proximity to the San Luis River.

Thank you for your time, Ana Maria 131-

Response to Comment Letter I31

Ana Maria December 7, 2023

- The commenter states they live in Oceanside and are opposed to the project and to its location. This comment and I31-2 do not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **I31-2** Please see Response to Comment I31-1.
- The comment expresses an opinion regarding the project adding more traffic congestion, noise pollution, and environmental impacts to the San Luis Rey River. The DEIR evaluates potential impacts to the San Luis Rey River associated with construction and operation of the project in Sections 4.3, Biological Resources; 4.8, Hazards and Hazardous Materials; and 4.9, Hydrology and Water Quality. Project impacts related to noise are analyzed in Section 4.11 of the DEIR and project impacts related to traffic are analyzed in Section 4.14 of the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment is a concluding remark and does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Comment Letter I32

Robert Dmohowski

From: Carol McConnell <cmcconnell4444@gmail.com>

Sent: Thursday, December 7, 2023 8:37 AM

To: Robert Dmohowski

Subject: Draft EIR Feedback - EDDIE JONES PROJECT

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Hello Rob-

Thank you for encouraging me in your email below to read Chapter 4.2 Air Quality and Appendix B (Air Quality Technical Report).

I see on page 4 of Appendix B, the definition of "Sensitive Receptors." This sub-section defines Sensitive Receptors as "as those who are especially susceptible to adverse health effects, such as children..."

At the end of that same paragraph, it states that "The closest sensitive receptors to the Project site are single-family residences to the north..."

On page 37 of the same Appendix B, during the discussion of Toxic Air Contaminants, it also limits the definition of sensitive receptors to "single-family residences north... approximately 0.15 miles from the project site."

At no point is there any mention or consideration of the Air Quality impact on the children and families who will be exercising (and breathing deeply) on their bicycles, walking or running IMMEDIATELY ADJACENT to the project site along the San Luis River Recreation Trail.

There is also no mention or discussion of the Air Quality impact on the children and families exercising at the Skate Park that is approximately the same distance (0.15 miles) DOWNWIND from the project site.

On page 27 of the Appendix, it cites "The exhaust from diesel engines is a complex mixture of gases, vapors and particles, many of which are known careinogens." And, in Table 4.2-7 of the same page (line on "Source Release Characterizations") describes operational health risk of On-site truck travel creating a plume as wide as 13.4 meters.

Given the numbers of trucks potentially driving to/from the north side of the project, and our prevailing West/NW onshore ocean breeze, the cumulative impact of 13.4 meters of exhaust plumes WILL be significant to people exercising on the Recreation Trail (immediately adjacent) and at the Skate Park (downwind).

**** The OUTDOOR HUMAN RECREATIONAL impact is completely missing from this Draft EIR. ****

132-1

132-2

132-3

J 132-4

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This is a huge oversight that the City needs to address. That is, both the short term impacts during the +/- 12 months of construction AND the long term permanent exposure to pollutants of people outdoors, exercising at the Skate Park and immediately adjacent Recreation Trail.

132-4 Cont.

Thank you,

Carol McConnell

Oceanside Resident

On Mon, Nov 27, 2023 at 10:03 AM Robert Dmohowski RDmohowski@oceansideca.org> wrote:

Hi Carol,

Thank you for your comments. I've added them to the record and they will be responded to with response to comments section of the EIR. Impacts to air quality are addressed in Chapter 4.2 Air Quality and Appendix B (Air Quality Technical Report).

Regards,

Robert Dmohowski, AICP

Principal Planner

City of Oceanside

Planning Division

Development Services Department

760.435.3563

rdmohowski@oceansideca.org

From: Carol McConnell < cmcconnell4444@gmail.com > Sent: Monday, November 20, 2023 12:27 PM

To: Robert Dmohowski < rdmohowski@oceansideca.org > Subject: Draft EIR Feedback - EDDIE JONES PROJECT

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Page 2 of 3 in Comment Letter I32

Warning: External Source

Hello Rob-

I hope you're doing well.

The Biological section describes in detail the impacts on plants and wildlife that will be sustained during the +/-12 month construction process.

Examples are things like fugitive dust affecting plant respiration, phytotoxic gaseous pollutants, etc..... AND, Possible release of fuels, oils, lubricants, paints, other construction materials that may affect neighboring plants and wildlife.

The report repeatedly mentions plants and wildlife, but there is NO ANALYSIS of how it will affect the young people outdoors at the Skate Park (immediately downwind from the construction site.) Or, the people exercising / bicycling along San Luis River Trail; these PEOPLE will be inhaling all of these contaminants as they walk, run, bicycle immediately adjacent to the site.

**** The OUTDOOR HUMAN RECREATIONAL impact is completely missing from this Draft EIR. ****

This is a huge oversight that the City needs to address. That is, both the short term impacts during the +/- 12 months of construction AND the long term permanent exposure to pollutants of people outdoors, exercising at the Skate Park and immediately adjacent Recreation Trail.

Thank you,

Carol McConnell

Oceanside Resident

132-5

3

Page 3 of 3 in Comment Letter I32

Response to Comment Letter 132

Carol McConnell December 7, 2023

- 132-1 The comment states that the DEIR does not consider impacts to individuals utilizing the San Luis Rev River Recreation Trail. As provided in the DEIR, the California Air Resources Board (CARB) defines sensitive receptors, including children, the elderly, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, retirement homes, health clinics, and hospitals within 2 kilometers of the project site. One of the pollutants analyzed in the DEIR is diesel particular matter (DPM). There are no acute reference exposure level values established for DPM, and short-term exposure to DPM is not a concern. As discussed in the Supplemental Guidelines for Submission of Air Toxics "Hot Spots" Program Health Risk Assessments (HRAs) (SDAPCD 2022), for long-term receptors evaluating cancer and chronic risk, potential receptors should be places where people may spend the bulk of their time during the long-term exposure, such as the living areas at residential properties. Therefore, due to the infrequent and short duration of time an individual would utilize the San Luis Rey River Recreation Trail, it does not constitute a sensitive receptor per SDAPCD guidance and is not expected to result in exposures of concern for DPM. Further, the DEIR's expert analysis shows that the project would not have significant DPM related health effects using the conservative occupancy assumptions related to the homes located as close as 0.15 miles north, so any short and infrequent exposure of persons using the San Luis Rey River Path would similarly be less than significant. Therefore, no revisions are required and no further response is necessary. Please refer to Thematic Response 4.
- The comment states that there is no mention or discussion in the air quality analysis regarding impacts at the skate park that is located approximately at the same distance from the project as the nearest residents. However, the skate park is located approximately 2493 feet or 0.47 miles from the project site and as such is located over three times the distance of the single-family residences approximately 0.15 mile north of the project site. As such, impacts at the skate part would be less than the already less than significant impacts at the single-family residences approximately 0.15 mile north of the project site and would therefore also be less than significant. Please refer to Thematic Response 4.
- The comment states that, given the numbers of trucks potentially driving, exhaust plumes would be significant to people exercising on the recreational trail and at the skate park. In response, please refer to Thematic Response 4 and Responses to Comments I32-1 and I32-2.
- The comment states that the City needs to address short-term impacts during project construction and long-term permanent impacts of pollutant exposure of people outdoors at the skate park and recreational trails. The DEIR has analyzed both construction and operational health risk for DPM. Please refer to Thematic Response 4 and Responses to Comments I32-1 and I32-2.
- 132-5 Please refer to Response to Commet Letter I11, in which this comment is addressed.

Comment Letter I33

Robert Dmohowski

From: Eurydice K <ekolbe8@gmail.com>
Sent: Friday, December 8, 2023 9:53 AM

To: Robert Dmohowski
Subject: Amazon Warehouse

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

The people of Oceanside wholly and unequivocally oppose the construction of yet another Amazon warehouse to exploit our lives amd deaths as workers. This empire is crumbling, it is inevitable as the flow of causality. The harm you insist on dealing by working for our oppressors isolates you from the rest of humanity ans the greater will. The efforts will not last into the future, regardless of the pain and misery you inflict on us.

133-1

Response to Comment Letter I33

Eurydice K. December 7, 2023

This comment expresses general opposition to the project, apparently based on speculation about Amazon as a future user. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please refer to Thematic Response 3 regarding the comment's speculation about future users.

Comment Letter I34

Robert Dmohowski

From: Ciara Dominique <ciaradominique888@gmail.com>

Sent: Friday, December 8, 2023 9:53 AM

To: Robert Dmohowski

Subject: Eddie Jones Development Opposition Comment

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Robert.

I have been a concerned Oceansider more than ever since the the city has been making more and more questionable decisions that go against the people's desires. Most recently city council turned down the proposal that required 15% of affordable housing in new developments which has significantly harmed the city's legitimacy to represent the people's wishes. As a college educated filmmaker with a minor in political science I am not naive in demanding the city do more for it's people than has been previously offered however this ugly streak has an opportunity to end with the city doing the right thing regarding the Eddie Jones Development.

In the Environmental Impact Report(IER) the notated ES4 item argues "The project would result in no impact or less-than-significant impacts in the following CEQA topic areas: aesthetics, agriculture and forestry resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, traffic and circulation, tribal cultural resources, utilities and service systems, and wildfire." This is erroneous and an affront to truth. With publicly documented evidence that suggests otherwise I will include all my sources to call attention to the downplaying of significant impacts to the cultural, ecological, and financial impacts that would harm Oceanside and it's residents.

Starting with the ecological effects, Afif El-Hasan, a pediatrician and national spokesperson for the American Lung Association. "But it's going to hurt the people around the [areas] these goods come through," in which a licensed pediatrician states the significant health risks of these large developments to those around. Not only are professionals calling attention to the impacts but locals to the IE where Amazon is their largest private employer state "there's been an onslaught of truck traffic through her neighborhood since an Amazon warehouse opened up nearby. "He really needs to take a look at this and prioritize these communities," This shows that what was regarded as "no impact/less than significant" has been severely downplayed. While there are a plethora of additional reasons the most significant I'd like to call attention to is the nature of Amazon work and how harmful it is to potential workers. The National Employment Law Project cites a study <u>By examining the latest U.S. Census</u> data on county-level earnings, A Good Living: Amazon Can and Must Make a Middle-Income Livelihood Possible for the People Who Work in Its Warehouses finds that warehouse workers in counties where Amazon operates earn 26 percent less than the average monthly earnings for all workers in those counties. To be one of the biggest corporations in the world and significantly bring down the average monthly earnings of warehouse workers due to not paying well shows not just an irresponsibility with their money but one that questions their promises to care about their ecological output. If Amazon doesn't care about the people earning

134-1

134-2

134-3

134-4

134-5

1

them money how could we think they'd care about the place they're going to set up shop. Here's another source that expresses Amazon's harm to workers in comparison to 11 metro areas <u>How Amazon Undermines Jobs</u>, <u>Wages</u>, and <u>Working Conditions</u> just in case there wasn't enough proof.

134-5 Cont.

I grew up in Oceanside and due to the city's abandonment of their lower/middle class I can't afford to live there even after earning a degree. I work in Oceanside at a non profit, I care for my mother who lives in Oceanside (around the proposed development) and I also am an artist who uses various mediums to shine a light on important matters. I received a grant to do a documentary on Oceanside and while pre-production is in full swing I will do absolutely everything I can to call out the big money bias which is not new to those in power but if this message and the concerns of Oceansiders who care about their city go ignored as they've been previously then I will also call attention to the fact that you, Robert Dmohowski, had made that decision despite the very well known harm that is almost certain to come to locals.

134-6

I hope you make the right choice.

Ciara Gutierrez

2

Page 2 of 2 in Comment Letter I34

Response to Comment Letter 134

Ciara Dominique December 8, 2023

- This comment expresses general opposition to the project. The comment does not raise any specific issue with the adequacy of the DEIR; no further response is required.
- The comment restates information contained in the Executive Summary of the DEIR that identifies impact areas that would result in less than significant impacts. The comment states that the list of less than significant impacts is erroneous and downplays the significance of cultural, ecological, and financial impacts. The comment does not raise any specific issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required.
- This comment quotes a pediatrician and national spokesperson for the American Lung Association regarding health risks to populations near warehousing/disbursement centers generally, but it does not raise an issue with the adequacy of the DEIR. An operational health risk assessment (HRA) was prepared for the proposed project and the results were included in Section 4.2, Air Quality, of the DEIR. As shown in Table 4.2-12, the DPM emissions from operation of the project would result in a Residential Maximum Individual Cancer Risk of 1.33 in 1 million and a Residential Chronic Hazard Index of 0.0004. The results of the HRA demonstrate that project operations would result in a cancer risk less than the 10 in 1 million threshold and a Chronic Hazard Index less than 1. Therefore, operation of the project would not expose sensitive receptors to substantial pollutant concentrations; impacts would be less than significant. Please refer to Response to Comment 05-27.
- The comment states that truck traffic has increased in the Inland Empire where Amazon is the largest private employer and that significant impacts have been downplayed, but does not raise any specific issue related to the adequacy of any specific section or analysis of the DEIR. No further response is required.
- This comment expresses concern regarding average monthly earnings for Amazon warehouse workers, but it does not raise any specific issue with the adequacy of the DEIR. An end user for the project has not yet been identified, and the author is speculating about Amazon being that user. Please refer to Thematic Response 3, which addresses comments related to future users. Also, CEQA requires an analysis of potentially significant physical impacts on the environment, which does not include a topic such as the future wages of people working at the project.
- The comment expresses the opinions of the commenter related to the City of Oceanside, but does not raise any specific issue related to the adequacy of any specific section or analysis of the DEIR. No further response is required. This comment also provides concluding remarks that do not raise new or additional environmental issues concerning the adequacy of the DEIR. No further response is required.

Comment Letter I35

Robert Dmohowski

From: Keri Cleeremans < keri@elliptigo.com>
Sent: Friday, December 8, 2023 10:16 AM

To: Robert Dmohowski
Cc: Esther Sanchez; Dee Keck

Subject: Eddie Jones Industrial Project- against

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Hello Mr. Dmohowski,

??

Please reconsider this project. Adding any tractor trailer trucks to the 76 without any sort of modification to the 76 in terms of added lanes or infrastructure will make use of the 76 a nightmare. And since the City is moving forward with adding as much housing, retail, commercial as possible along the 76 already, having the added ???weight??? of 114 (or 52) tractor trailers will just create a stand still.?? If you want tourists to visit the Mission San Luis Rey or the new Wave/Water park, hotel, retail in the old swap meet/outdoor theatre space, then please reconsider this plan. ??

135-1

The city is <u>NOT</u> taking into consideration those of us who use the 76 daily to get to work. I have to leave my house to get to Solana Beach an extra 45 minutes early already so I arrive on time because the lights on the 76 back everything up. Now you want to add more housing, more commercial and more traffic. Thanks. Really see how you put residents first.

135-2

I want my email to go on record of absolutely against this entire project. For what little it will do. I???m disappointed in the city???s poor planning and poor ability to see the havoc the ???city planners??? have created for their residents with the constant building and little regard to quality of life and lack of infrastructure to support all this unnecessary building.?? The city is going to be a concreate jungle and that is not why we moved here 18 years ago. Please stop adding salt to an area that is wounded. Eddie Jones can move out east off the 15 if they want freeway access. Where people aren???t on top of each other already.

135-3

?? Thanks, ??

Keri Cleeremans 4217 Camino Del Flor 0???Side 92057

Response to Comment Letter I35

Keri Cleeremans December 8, 2023

- This comment expresses concern with regard to the traffic impacts along State Route 76 and the increase in truck traffic that would occur as part of the proposed project. Traffic and transportation topics requiring analysis under CEQA are addressed in Section 4.14. The comment does not raise any specific issues related to the adequacy of the DEIR; no further response is required.
- The City acknowledges the comment and notes that it expresses the opinion of the commenter related to traffic along State Route 76. The comment does not raise any specific issue related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required.
- The City acknowledges the comment's opposition to the project and notes that it expresses the opinion of the commenter and does not raise any specific issue related to the adequacy of any specific section or analysis of the DEIR. This comment also serves as a conclusion but does not raise an issue with the adequacy of the DEIR; therefore, no further response is required.

Comment Letter I36

Robert Dmohowski

From: Jennifer Loofbourrow < jenniferloofbourrow@gmail.com>

Sent: Friday, December 8, 2023 10:56 AM

To: Robert Dmohowski

Follow Up Flag: Flag Status: Follow up Flagged

Categories: Red Category

Warning: External Source

Good morning Rob,

Thank you for the information regarding the environmental impact of the proposed project in my neighborhood.

Not sure how to process this information, but having the possibility of copious trucks (soon to be electric, correct) and extended construction for the next few years is abhorrent. I have resided in the pepper tree community since it was built in 1987. After the 76 was constructed the noise level has significantly increased, it's loud and grown exponentially with development of the corridor. Those levels most likely are under that of acceptable parameters set by who? As with all development it is assumed that the city has all the power. Would you like this directly next to your neighborhood. I am not naive. That land will be developed, but what city hall is saying to me and other constituents is that you have no master plan, just give us the money and build whatever. This project creates how many jobs and for who? Union labor, truckers?

The former building on that site was noisy, and in the 90's it hummed all night long. As home owners we accepted it, it was built first. The property had landscaping and was pleasant to drive past.

I'm a longtime resident and own 2 homes in this neighborhood. I don't really care about property value, the homes are passing to my children and grandchildren. I do however feel it is still not suitable for the future of oceanside.

Respectfully,

Jennifer loofbourrow.

| 136-1 | 136-2 | 136-3

Response to Comment Letter 136

Jennifer Loofbourrow December 8, 2023

- The City acknowledges the comment as an introduction to comments that follow. The comment does not raise an issue related to the adequacy of any specific section or analysis of the DEIR.
- The City acknowledges the comment and notes that it expresses concern regarding noise. The comments does not raise any issues related to the adequacy of any specific section or analysis of the DEIR. Nonetheless, noise impacts were fully addressed and analyzed in DEIR Section 4.11, Noise. As stated therein:

Table 4.11-8 presents predicted combined onsite noise emission levels from the preceding source types at two assessment locations: at the midpoint of the project's northern boundary, and at a representative distance from the project where existing residential land uses near the cul de sacs of Toopal Drive and Tishmal Court are encountered. The predicted aggregate noise levels shown are less than the presented applicable City standards; hence, long-term operational noise from onsite sources would not result in generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of applicable standards, and such potential environmental impacts would be less than significant.

- The comment raises questions about whether the City should approve the project and the jobs created. The City acknowledges the comment and notes that it expresses the opinions of the commenter and does not raise any issues related to the adequacy of any specific section or analysis of the DEIR. Nonetheless, as stated in Chapter 7, Other CEQA Considerations, of the DEIR, he proposed project would generate approximately 1,425 temporary construction jobs and approximately 499 permanent jobs in operation. Accordingly, the project could cause population growth through new job opportunities. However, as outlined in Section 4.2, Air Quality, and this chapter of this EIR, this growth falls within City and regional growth projections for population and housing. The project would not remove obstacles to population growth and would not cause an increase in population such that new community facilities or infrastructure would be required outside of the project site. For these reasons, the project is not considered to be significantly growth inducing.
- This comment states that the former building on the site was noisy, had nice landscaping, and that the commenter owns two homes in the neighborhood. The comment does not raise any issues related to the adequacy of any specific section or analysis of the DEIR, and no further response is required.

Comment Letter 137

Robert Dmohowski

Brittany Bogan <bri>drittanybogan1@gmail.com> From:

Sent: Friday, December 8, 2023 7:31 AM

To: Robert Dmohowski Subject: Amazon facility opposition

Follow Up Flag: Follow up Flag Status: Flagged

Categories: **Red Category**

Warning: External Source

Good morning,

After reviewing the Eddie Jones Warehouse, Manufacturing, and Distribution Facility Project proposal and EIR, I find it imperative to voice my family's opposition to the project.

The EIR dramatically downplays the negative impacts this mega project has on the local traffic circulation, noise pollution, and degradation. To say it will not have exceptionally negative impacts on those areas is to willingly close your eyes, ears, and turn off any logical thinking abilities.

137-2

We, as Oceanside homeowners, strongly oppose this project. Best Regards,

Brittany Bogan & Lexi Carlile

Response to Comment Letter 137

Brittany Brogan December 8, 2023

- This comment states that the commenter reviewed the DEIR and serves as an introduction to comments that follow. No further response is required.
- This comment expresses concerns about the project, particularly with regard to traffic circulation, noise pollution, and degradation. The City acknowledges the comment and notes that it expresses the opinions of the commenter and does not raise any issues related to the adequacy of any specific section or analysis of the DEIR. Nonetheless, noise and traffic were fully analyzed in the DEIR in Sections 4.11 and 4.14, respectively. Impacts were determined to be less than significant for noise and less than significant with mitigation for traffic. Therefore, no further response is required.

Robert Dmohowski

From: Patty Maddison <patty@maddisonweb.com>

Sent: Friday, December 8, 2023 1:05 PM

To: Robert Dmohowski

Subject: Eddie Jones Project - Reject!!!!

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Hello-

I have been a resident and homeowner in Oceanside for over 20 years. I live by College and Mesa in the Rancho Del Oro neighborhood. The City of Oceanside has done a fantastic job revitalizing downtown and sprucing up the city but the Eddie Jones project is not a good fit for the city.

138-1

I vehemently oppose the Eddie Jones project!!! Traffic on 76 is already awful. Many times I will have to wait through 2 or 3 lights going north on College to cross 76 during rush hour. That traffic is without OceanKamp or the soccer stadium being built yet (i.e not including future traffic).

I think any person involved with moving forward with this project should drive between 4:30 and 6:30pm on 76 and roads that cross 76, to see first hand the current traffic issues. They will need to imagine a stadium event letting out as well.

138-2

I also see first hand the impact FedEx has had in our community. Five FedEx trucks heading west on Oceanside Boulevard, waiting to turn towards their home base. It clogs traffic there and now the city is proposing to widen roads by College/Oceanside area. Why? Because it can't handle the current number of vehicles on those city roads right now!!!!!

Also, this project and all the trucks involved will have a major impact on the roads themselves. How much funding will the City directly receive for maintenance on the roads?

138-3

Lastly, does the City really want to become a trucking/industrial type city? As a citizen, I definitely don't want that. We live in a beautiful coastal city! We don't need to be an armpit industrial city.

138-4

Please reject the Eddie Jones proposal!

Best, Patty N

Patty Maddison 760-560-8509

Response to Comment Letter 138

Patty Maddison December 8, 2023

- This comment states that they have been homeowners in Oceanside for 20 years and praises the City for their efforts in revitalizing the downtown area. The comment expresses general opposition for the project but does not raise any issues related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required.
- This comment expresses concerns regarding traffic impacts and suggests that the traffic analysis include cumulative projects (Ocean Kamp and soccer stadium) and that the traffic analysis be done during high-traffic hours (4:30 p.m. to 6:30 p.m.). The Local Transportation Study (DEIR Appendix I) included weekday commuter peak hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. along with a 24-hour traffic analysis. The study also incorporated 18 cumulative projects that included Ocean Kamp and El Corazon (mixed-use project including a 6,000 seat arena). Regarding traffic on State Route 76, please refer to Section 4.14, Traffic; Chapter 6, Cumulative Impacts; Response to Comment I35-1; and Thematic Response 2 for additional information. The comment does not raise any issues related to the adequacy of any specific section or analysis of the DEIR. Therefore, no further response is required.
- This comment expresses concerns regarding the project's potential road impacts, particularly due to traffic, and asks how much funding the City would receive for maintenance on roads. The comment does not raise any issues related to the adequacy of any specific section or analysis of the DEIR. Please refer to Section 4.14 of the DEIR and Thematic Response 2, in which this concern is discussed.
- This comment reiterates general opposition to the project and provides concluding remarks that do not raise any specific issue with the adequacy of the DEIR; no further response is required.

Robert Dmohowski

From: Matt Smith <osidematt@gmail.com>
Sent: Saturday, December 9, 2023 3:47 PM

To: Robert Dmohowski

Subject: STOP the Eddie Jones Amazon warehouse

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Please don't allow the HUGE EDDIE JONES warehouse project by my home of 20 years. As a resident of oside for 20 yrs with a 1.2 million home just a hundred yards away from this noisy project, I wholeheartedly oppose this and ask my elected representative at all level of government to support me in opposition.

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Matt Smith 560 Big Sky Dr

Thank you.

139-1

Response to Comment Letter 139

Matt Smith December 9, 2023

This comment expresses general opposition to the project and expresses concerns about the potential noise impacts of the project. Noise impacts were fully analyzed and addressed in DEIR Section 4.11, Noise. Because the comment does not raise any issues related to the adequacy of any specific section or analysis of the DEIR, no further response is required.

Robert Dmohowski

From: matt krise <matt.krise@icloud.com>
Sent: Sunday, December 10, 2023 3:38 PM

To: Robert Dmohowski

Cc: Erin Yi

Subject: Eddie Jones project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Mr. Dmohowski,

As a concerned resident and homeowner owner in Oceanside in the neighborhood next to the proposed Eddie Jones project, a.k.a. Amazon warehouse. As an environmentalist and a capitalist with the proper regulations in place, as-well as an advocate for a thriving, safe community, I feel compelled to voice my strong opposition to the Eddie Jones project, particularly in light of the recently released draft environmental impact report (EIR).

The report, I believe, significantly underestimates the detrimental effects this massive warehouse will have on our natural environment and the residential community. The expected increase in traffic due to commercial semi-trucks is alarming. Such a surge not only poses a threat to the tranquility of our area but also to the safety and well-being of its residents. However, it's the potential escalation in noise and air pollution, especially along the sensitive San Luis Rey River ecosystem and near the 1,200 homes in its vicinity, that raises grave concerns. These effects could irreversibly harm our cherished local wildlife and degrade the quality of life for us residents.

I ride my bike to the ocean regularly along the river, and while I feel like the natural beauty is admirable, we need to make further strides to improve this environmental condition rather than make it worse in this sensitive ecosystem that flows into the ocean.

While I am a staunch supporter of creating good quality jobs which I doubt the tenants or Amazon will provide. As this will likely primarily be a robotic, driven facility internally and environmental disruptor with all the semis coming in and out of the neighborhood.

I understand the economic motives behind such developments, I firmly believe that this project is not the answer. We must find a balance that fosters economic growth while preserving the environmental sanctity and the quality of life in Oceanside. Sustainable development should not come at the cost of our community's health and natural beauty.

Oceanside has an extremely bright future ahead of itself, but not with projects like this utilizing highly valuable plots of land, there is much better purposes we could put forth for this particular location.

In light of these concerns, I strongly urge you to reconsider the Eddie Jones project. We must seek alternatives that align with the environmental integrity and the well-being of our community, which we all so deeply cherish.

Thank you for your attention to this matter.

140-1

140-2

140-3

140-4

140-5

140-6

1

Sincerely,

Matt Krise MSD, MBA

I40-6
Cont.

matt.krise@me.com
cell 480.510.2733

2

Page 2 of 2 in Comment Letter I40

Response to Comment Letter I40

Matt Krise December 10, 2023

- 140-1 The comment expresses opposition to the project but does not raise any specific issue concerning the adequacy of the DEIR. No further response is required.
- The comment expresses concern about potential traffic impacts. Please refer to Section 4.14, Traffic; Chapter 6, Cumulative Impacts; and Thematic Response 2 for additional information. Because it does not raise specific environmental issues concerning the adequacy of the DEIR, no further response is required.
- The comment expresses concern about potential air pollution and noise impacts along the San Luis Rey River Bike Path. Please refer to DEIR Section 4.2, Air Quality; Section 4.11, Noise; and Thematic Response 4, in which these concerns are discussed.
- The comment expresses concerns regarding the San Luis Rey River Bike Path and the need to improve the sensitive ecosystem that flows into the ocean. Impacts related to biological resources and hydrology and water quality were addressed in DEIR Sections 4.3 and 4.9, respectively. Please refer to Thematic Response 4, in which San Luis Rey River Bike Path concerns are discussed.
- The comment acknowledges that the project would create jobs but expresses opposition to project. The comment does not raise any specific issues regarding the adequacy of the DEIR; therefore, no further response is required.
- This comment provides concluding remarks, expresses general opposition to the project, and does not raise new or additional environmental issues concerning the adequacy of the DEIR. No further response is required.

Robert Dmohowski

From: Nicole Douglas < nicole.nnh@gmail.com>
Sent: Monday, December 11, 2023 2:31 PM

To: Robert Dmohowski
Subject: NO to Eddie Jones Project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Mr. Dmohowski,

As an Oceanside resident and business owner, I strongly oppose the Eddie Jones project. This would be a terrible thing for residents, please note that the public does not support this.

Kind Regards,

Natalia Douglas 3233 Roberta Ln, Oceanside, CA 92054 141-1

Response to Comment Letter I41

Natalia Douglas December 11, 2023

I41-1 This comment expresses general opposition to the project but does not raise any issues related to the adequacy of any specific section or analysis of the DEIR, and no further response is required.

Robert Dmohowski

From: Madison Williams <madison.wells0310@gmail.com>

Sent: Tuesday, December 12, 2023 10:37 PM

To: Robert Dmohowski
Subject: Eddie jones

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

My name is Madison Williams, I live in Oceanside close to the proposed Amazon warehouse and my children go to school close to where this project will be located. Research continues to point to the impact on children's health as it relates to traffic pollution and the warehouse will already congest a very susceptibly congested traffic area. This means my children will be at a higher risk of developing asthma, cancer learning disabilities fertility issues and other systemic issues later in life. I strong dispute the Eddie jones Amazon warehouse and do not want it anywhere in my city. The company is being sneaky attempting again to build in our city and after reading over the EIR considerably downplaying the environmental and health impacts it will have on our city and its people.

Best

Madison Williams

142-1

142-2

Response to Comment Letter 142

Madison Williams December 12, 2023

- This comment expresses concern regarding traffic pollution and associated air quality impacts on children's health. Air quality and traffic impacts were fully analyzed in the DEIR in Sections 4.2 and 4.14, respectively. Impacts associated with operational traffic were determined to be less than significant with mitigation. A health risk assessment was also provided in Section 4.2, Air Quality, and impacts were determined to be less than significant. Please refer to the DEIR and Thematic Response 2 and 3, in which these concerns are discussed further.
- This comment expresses opposition to the project and expresses concerns related to potential traffic and air quality impacts. Please refer to Response to Comment I42-1, above. The comment does not raise any specific issue with the adequacy of the DEIR; therefore, no further response is required.

Robert Dmohowski

From: patricia borchmann <pborchmann9@gmail.com>

Sent: Tuesday, December 12, 2023 8:44 AM

To: Robert Dmohowski
Cc: patricia borchmann

Subject: DEIR is incomplete, and adverse Impacts from Eddie Jones project are underestimated

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

R. D Mohowski,

I reviewed the DEIR prepared for the proposed Eddie Jones industrial project, and found that the DEIR is incomplete, and it drastically underestimates the adverse biological impacts, and destructive impacts on the regional Wanis View Preserve, and Mauro Preserve, which is recognized by local independent experts, consultants and volunteers as "one link in the chain of a 2,000-acre wildlife corridor of nature preserves that stretches from Pilgrim Creek Ecological Reserve to the east to the Seacliff Preserve on the coast." Mike Tenhover is one of many local residents, a volunteer with expertise who has observed natural habitat and conditions at Wanis View Estates and Mauro Preserve for decades. Potential project impacts from the Eddie Jones industrial project will cause significant adverse impacts that are inadequately assessed and mitigated. As a resident of Wanis View Estates, Mike Tenhover is one of nearly two dozen volunteers who help maintain the Wanis View Preserve.

143-1

The preserve is home to more than 300 species of native birds, animals, plants and insects, at least 22 of which are protected species, including the California gnatcatcher, the Pacific pocket mouse and a possible badger.

143-2

"I'd say it's among the best habitats in San Diego County," Cassman said. "This much diversity is partly because of the water presence here, which adds that extra dimension attracting more species."

143-3

According to volunteer and Wanis View resident Mike Tenhover, part of the preserve's success is due to its collection of ecosystems not commonly found together in a single preserve: riparian, alkali marsh, alkali meadow, coastal sage scrub, freshwater marsh, southern willow scrub and alkali flats.

Tenhover explained that the Wanis View Preserve is one link in the chain of a 2,000-acre corridor of nature preserves that stretches from Pilgrim Creek Ecological Reserve to the east to the Seacliff Preserve on the coast.

1

The issue with Eddie Jones, he explained, is that the warehouse would disrupt the corridor's wildlife exchange like a roadblock. Paired with other development going on along the 76 corridor – like nearby Ocean Kamp, a planned 92-acre development with up to 700 homes, a 143-3 300-room resort, retail and office spaces, and a 3.5-acre wave lagoon – area residents fear the Cont. loss of what little natural space they have left. "There's so much development going on along the 76 corridor, where the last places we have with any natural habitat left," Cassman said. "It's such a pity to further constrict it." The preserve contains a vernal wetland, which is typically only present after a significant amount of rain. The wetland remains dry for most the year in drier conditions, but wetter 143-4 years like this one in particular help keep water around all year. The wetland also serves as a pitstop for migratory birds. "We have such a diversity of big, migratory birds coming through here," Cassman said. "It's 143-5 marvelous." The Wanis View Preserve is directly connected to the Mauro Preserve, which started restoration work approximately four years ago. The goal is to return the preserve to its natural state, just like Wanis View. Tenhover said the idea is for the corridor to serve as a pathway for dwindling wildlife populations to grow and spread throughout. "We've seen the gnatcatcher come from Seacliff, and Mauro will eventually get our birds too," Tenhover said. "With a big corridor for wildlife, we'll have a more stable situation." × 143-6

2

Page 2 of 3 in Comment Letter I43

As a resident of Wanis View Estates, Mike Tenhover is one of nearly two dozen volunteers who help maintain the Wanis View Preserve. Photo by Samantha Nelson

143-6 Cont.

Sent from Mail for Windows

3

Page 3 of 3 in Comment Letter I43

Response to Comment Letter I43

Patricia Borchmann December 12, 2023

- The comment states that the DEIR underestimates biological impacts to local preserve areas (Mauro Preserve and Wanis View Preserve) and that the proposed project would result in significant impacts that are inadequately assessed and mitigated. The analysis of impacts follow CEQA Guidelines, which were used to determine the level of significance a potential impact may pose and mitigation measures to reduce any identified impact. The comment does not identify any specific issues regarding the adequacy of the DEIR or how the proposed project may impact local preserve areas; therefore, no further response is required. See also Responses to Comments 010-4 through 010-6, 010-22, and 010-23.
- This comment provides background information and states that the Wanis View Preserve is home to protected species including California gnatcatcher, the Pacific pocket mouse, and a possible badger. The comment does not raise an issue related to the adequacy of any specific section or analysis of the DEIR. Nonetheless, please refer to DEIR Section 4.3, Biological Resources, which addresses potential impacts to special-status wildlife species and identifies potential species of concern in addition to direct and indirect impacts that could result due to project implementation. See also Response to Comment 010-6.
- This comment offers quotes from various individuals about the Wanis View Preserve and states that the project would disrupt a wildlife corridor in addition to other cumulative projects. The comment does not raise an issue related to the adequacy of any specific section or analysis of the DEIR. Nonetheless, DEIR Section 4.3, Biological Resources, analyzed potential impacts to wildlife corridors. As stated therein:

The site has been previously developed and consists of disturbed habitat and urban/developed land. The previous development prevented the site from serving as a movement corridor. The adjacent San Luis Rey River provides for regional wildlife movement. In addition, the project site does not contain the necessary habitat for coastal California gnatcatcher and does not serve as a steppingstone for dispersing coastal California gnatcatchers. Therefore, the project 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; direct impacts would be less than significant.

In addition, cumulative impacts were addressed in DEIR Chapter 6, Cumulative Impacts. Also see Responses to Comments 010-4, 010-10, and 010-16 for further information regarding wildlife corridors.

- The comment provides information regarding wetlands for an area not included as part of the project site (Wains View Preserve) but does not address specific analysis or inadequacy of the DEIR. Therefore, no further response is necessary.
- 143-5 The comment states that the Wanis View preserve has a diversity of big, migratory birds. The comment does not address specific analysis or inadequacy of the DEIR. Therefore, no further response is necessary.

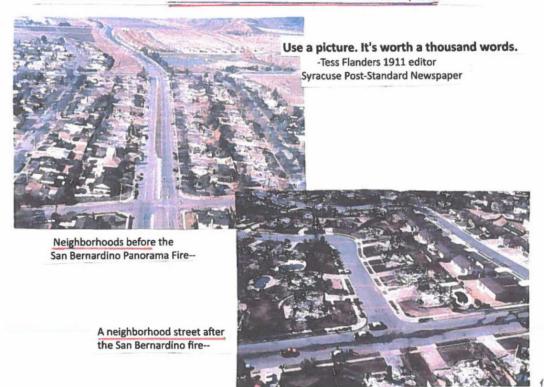
| 143-6 | The comment is a conclusion of background information for an area off the project site and does not address any topics in the DEIR. No further response is required. |
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12/16/23

To Leb Navarro:

I have addressed my safety and health concerns in a previous letter to the City of Oceanside regarding the *Eddy Jones Warehouse Project*. I would once again like to address Fire Response readiness, but use factual photos and personally experienced evidence for the concerns that have not been resolved by the recent revisions to the City of Oceanside.

The recent revised plan that is up for review gives the Fire Response statistics should a fire occur on the Warehouse property, but does not fully encompass the neighborhoods surrounding the facility. The numbers indicate a controlled scenario on a windless, sunny day. It does not provide what may (and could) be needed for protection of the site and the homes in Marlado Highlands and Las Brisas nearby. Nature is not a respector of persons and I fully encountered its wind-driven force in the Panorama Fire in San Bernardino CA on November 24, 1980.



144-1

One might reply that the fire was a long time ago and not applicable to today's situation. But I refer the reader to the words of Nick Cataldo, San Bernardino resident and historian who experienced this same fire and wrote an article 40 years later.

If a fire should begin at Eddy Jones Warehouse on a very windy day, even one ember blown onto our hillside homes could create a firestorm like San Bernardino. There are some events that change how one sees the world and a fire can imprint upon the mind forever.

For me, the morning began with the sun shining. I was on maternity leave from work and had taken my kindergarten daughter to her school down the hill from our house. The new baby daughter was spending the day at the home of a friend who also had small children. Looking out my windows to the South, I could see a cloudless sky with wind blowing the trees, but as the morning moved on, so did the speed of the wind and the sky began to darken. The Northern sight through the back door brought heavy clouds and the smell of smoke.

My husband, coming from his office, rushed through the front door. In a panic, we began to gather important papers, a few clothes for the children...and then a fireman pounded the door and shouted, "Leave now! The fire is right at you!" We jumped into the car with what we had and frantically backed out of the driveway and drove down the one road out from our street. My husband suddenly shouted, "Oh, no the dog!"

As we began to try to back up the road, avoiding other fleeing residents, another firemen and a truck blocked the way. I slid over and took the wheel to continue driving away to get our children as my husband hiked back up the hill to save the family Dalmation. (Ironically named "Chief" since they are associated with fire trucks.) I was not to learn of anyone's fate until much later in the evening.

The Kindergarten children were on the playground watching up at the hills as the flames engulfed homes and embers flew through the wind-driven smoke. I was to learn later, that staring up at this chaos, our daughter believed that we were all dead in the fire. So it was in much relief that we shared a much-needed hug and continued on to get her sister. Though evacuation areas had been set up for residents, I drove to my own parents' house a town away where more hugs were exchanged, and we were physically safe. I awaited word on my husband and neighbors.



Page 2 of 4 in Comment Letter I44

144-1 Cont. Although The Panorama Fire lasted for 6 days, most of the damage was done on the first day—286 homes destroyed—49 damaged—and another 64 structures damaged or destroyed. Late in the evening of that first day, I received a phone call from my husband. He told me that he was standing in the kitchen of our evacuated house which had been miraculously saved by a neighbor.

The 17-year-old young man was leaving his house right after we drove away and saw that an ember had caught wood next to the house which was stored for the fireplace. As the flames began to leap, he ran back into his yard and dragged a hose across the street extinguishing the fire. Then he continued down the only trafficked exit road. Both of our houses did not burn, thanks to the quick-witted response, but many who tried hoses or other means were not successful.

(I advocate saving life over houses, however, and following First Responders directions as told.)



The next morning, I returned to our home site which was on the cross corner of an alley and our street address. Five red fire trucks were stationed next to us. The firemen had been on duty all night, watching for wind-blown embers and spot fires. On our corner, they were attempting to have some breakfast on their well-earned break and were petting our dog as he ran freely around the trucks.

Yes, my husband's fast hike back up the hill had saved "Chief."

In the next five days, 23,800 acres were consumed by the continued fire. There was a concerted effort by City, County, and State Fire Agencies to control the Santa Ana winds of flame. Trucks, planes, and fire fighters on foot were on the job day and night. Help was sent from other states...one example was the Dover Township Fire District that sent off-duty fire officers and those on holiday leave, to help relieve and aid the San Bernardino contingency of firefighters. Photos throughout the letter are from the actual Panorama Fire at cdfhistory.smugmug.com I took no photos personally as I did not want reminders of that "I never thought it could happen to me" week.]

However, that experience could be repeated again in my Oceanside neighborhood if the Eddy Jones Warehouse Project is protected by the local Fire houses, and if no evacuation plans for the housing developments near the site are not given equal protection plans. At present, Benet and Foussat are the only exits from the hillside at which encompasses several hundred homes.

I44-1 Cont.



144-1 Cont.

The Warehouse will impact those roads with employee vehicles, diesel trucks, visitors, and housing residents who attempt to travel their normal routine among the expected traffic. There will be time adjustments for those making trips to schools and places of work when the traffic impacts those two exits. The 24-hour facility will also impact EMT/Fire trucks for emergency health issue and needed care

even now, without the possibility of an earthquake or wind-driven fire disaster.

Because of our hillside locations, this area always has wind and according to local meteorology,

Oceanside does get Santa Ana winds beginning sometime in October, sweeping in from the desert.

We who live here now wish to continue to feel safe on our travels to/from/ and at home in Marlado Highlands and Las Brisas. We hope that the needs of our lives as residents be continued to be protected in the future as they are at present.

For further consideration, I submit the following planning questions

- Who will actually be responsible for coordinating Fire and Emergency vehicle Agencies for City, County, State <u>Fire Response</u> for BOTH the Warehouse and Nearby Homes? Also for <u>Earthquake Response</u> and possible downed electric lines, fire, and evacuations?
- Who will actually be responsible for monitoring and regulating traffic on Benet Road?
 Who will actually be responsible for much needed Physical Road Improvements and road signs to regulate the influx of vehicular traffic on Benet Road?
- Just as there are regulating rules for STVRs, HOAs, etc. who will be the oversight person or committee for the Warehouse Site regarding complaints of travel nuisance, traffic regulation violations or other resident complaints about sharing our crucial exit road with commercial and/or employee vehicles?

Thank you for reading this letter and I look forward to your next communique about the Eddy Jones Warehouse Project.

Marion Donahue mariondonahue@hotmail.com

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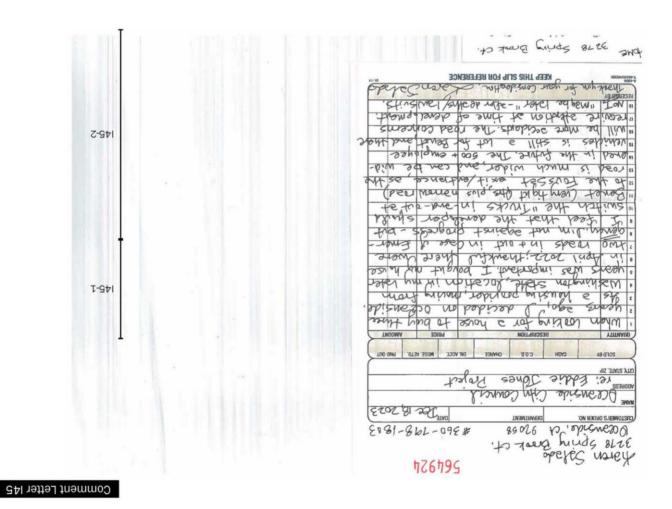
144-2

Page 4 of 4 in Comment Letter I44

Response to Comment Letter 144

Marion Donahue December 16, 2023

- This comment raises concerns regarding potential wildfire and evacuation plan impacts. The comment provides background information on the Panorama Fire and the destruction that occurred as a result. Please refer to Thematic Response 1 for a discussion regarding the Wildfire Evacuation Study prepared for the project and included as Appendix N to the Final EIR.
- The comment asks who would be responsible for coordinating fire and emergency vehicle agencies for City, county, and state fire response for the project and the nearby homes and who would be responsible for monitoring traffic on Benet Road. In response, Oceanside Fire Department and Oceanside Police Department would be responsible for facilitating emergency evacuation. Please refer to Thematic Response 1 for additional information related to the Wildfire Evacuation Study that was prepared for the project and is included as Appendix N to the Final EIR. The City is responsible for continued monitoring of traffic on Benet Road.



Response to Comment Letter I45

Karen Salado December 18, 2023

- 145-1 The commenter is describing relocating to Oceanside. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment expresses concern with regard to the location of the project driveway and suggests the egress and ingress of the heavy-duty trucks be switched to Foussat Road instead of Benet Road. The DEIR analyzes the project's potential impacts on roadway circulation and transportation in Section 4.14. The analysis demonstrates that project impacts would be less than significant with mitigation. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Mr. Rob Dmohowski Principal Planner City of Oceanside Oceanside, California

December 25, 2023

Dear Mr. Dmhowski,

Below please find serious and consequential issues and deficiencies I have identified with references to corresponding sections of the Eddie Jones Project DEIR.

Michael S. Kosec 565 Fern Ridge Ct. Oceanside CA 92058

I will quote the section of the DEIR and then list my responses / objections.

1.

DEIR- Executive Summary Statement:

"The project's development plan application addresses the complete redevelopment of the project site with the

existing facility and site improvements to be demolished. The proposed warehouse and distribution facility is

classified as a Wholesaling, Distribution, and Storage Facility use by the Oceanside Zoning Ordinance (OZO).

Wholesaling, distribution, and storage facilities over 50,000 square feet in floor area require approval of a

Conditional Use Permit to be established in the IL zoning district, pursuant to the OZO. Wholesaling, distribution,

and storage facilities with more than six heavy trucks on the premises at one time are considered trucking terminals

pursuant to the OZO. Trucking terminals also require approval of a Conditional Use Permit to be established in the

IL zoning district."

Response:

As defined by Oceanside Planning Commission:

IL Limited Industrial District. To provide areas appropriate for a wide range of (1) moderate

146-1

146-2

to low-intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing.

The IL zones in Oceanside are ill-suited for- even with Conditional Use permits- large-scale warehousing and trucking terminal activities.

See below- source Community and Environmental Defense Services information sheet:

Warehouses Are Not A Light Industrial Use

According to the USLegal.com Light Industry Law and Legal Definition webpage:

"Light industries cause relatively little pollution when compared to heavy industries. As light industry facilities have less environmental impact than those associated with heavy industry, zoning laws permit light industry near residential areas. It is a criterion for zoning classification."

146-2 Cont.

The Complete Real Estate Encyclopedia contains a similar definition for Light Industrial:

"Light industry usually consists of nonpolluting users with moderate energy demands engaged in assembling products, sewing, baking, or cleaning."

In Putting Atlanta Back To Work: Integrating Light Industry Mixed-Use Into Urban Development, the following distinction is made between light and heavy industry:

"Generally, to locate in a light industrial zone, a business must not produce any loud noises, vibration, noxious fumes, or other hazardous byproducts – beyond the property line. In heavy industrial districts, generally a business must not produce these negative effects beyond the boundaries of the entire district."

Given that:

Air pollution emitted from warehouse diesel truck traffic can harm the health of those living well beyond a warehouse property line,

Warehouse noise has disturbed nearby residents

Warehouses should not be allowed in light industrial zones based on the definitions and cautions above.

146-3

Page 2 of 5 in Comment Letter I46

Even within the City's more-intensive IG and IP zones, the above-referenced activities are highly conditional on Planning Commission approval.

Therefore, I believe the Planning Commission should not grant the RPG Conditional Use Permit request.

I46-3 Cont.

DEIR- Appendix J Draft VMT Analysis:

Response:

This analysis and the entire DEIR completely fails to even consider the fire / emergency / natural disaster planning and evacuation needs of the impacted Airport community- should this project be approved and realized.

As the state of California Department of Transportation wrote to Mr. Dmohowski, Principal Planner, in its 8/17/22 letter:

"The TIS (Traffic Impact Study) should also evaluate fire/emergency evacuation for the adjacent housing community to the north that routinely uses Benet Road and Foussat Road as access to SR-76.".

No such Evacuation Evaluation is included anywhere within the submitted DEIR.

146-4

It is entirely too late to submit one now- the DEIR is completed and the review period will be over on December 29, 2023.

To borrow a favorite catchphrase used by the developer during a Scoping meeting you don't get "another bite at the apple".

In regard to the safety of the Airport community-as evidenced by the Wala fire of 2022: A prompt, effective evacuation plan is literally a life and death issue. Trucks can be replaced; people cannot.

Should this development go forward without a Plan accepted by the City of Oceanside and distributed to the Airport Community residents- one that prioritizes residents' safety over Eddie Jones' profits,

the lives of these affected Oceanside residents and those of the substantial number of unhoused community members- who live in the adjacent riverbed- are all at grave risk from a fire or natural disaster- even with an Evacuation Plan. In this case-a massive development without an Emergency Evacuation Plan, the threat to human life is potentially catastrophic.

3. PCE- Comparing Passenger Cars to Trucks-

Appendix J- VMT Analysis

146-5

PCE used by developers- in traffic- dramatically underestimates the impact of semi-trucks on the 76.

Page 3 of 5 in Comment Letter I46

For purposes of the DEIR, the developers use a formula: One semi-truck = 2 Passenger Cars. (PCE)

This is a fundamentally flawed formula when discussing traffic and congestion, which are constants on the section of the 76 between Foussat and Benet.

Approval of this DEIR and this project would gridlock the area and make it impossible to travel through at peak hours- morning and evening, despite the developers' claims in this section. See below as reference:

https://www.fhwa.dot.gov/reports/tswstudy/Vol3-Chapter9.pdf:

"Trucks are larger and, more importantly, accelerate more slowly than passenger cars, and thus have a greater effect on traffic flow than passenger cars. On level terrain and in uncongested conditions conventional trucks may be equivalent to about two passenger cars in terms of their impact on traffic flow. In hilly or mountainous terrain and in congested traffic their effect on traffic flow often is much greater and they may be equivalent to 15 or more passenger cars."

4. VMT Section- Traffic Mitigation

Developers claim Voluntary Employee Carpool program will reduce 76 congestion.

This argument is hypothetical and unsupported by any evidence- especially since the tenants are unknown.

There are and will be no guarantees or requirements that will be implemented by tenants or the property owners to enforce this hypothetical.

Ownership of the property can change at any time- taking the program- even if implementedwith them.

5. VMT Section- Traffic Mitigation- Also addresses some Pollution issues-

Developers put forward several proposals for mitigation- including a designated truck turn lane from Benet onto 76.

Plan approval and highway construction are not under their control; these are under the authority of CALTRANS.

Any such construction would take years; the proposals are only ideas- there are many other options not suggested by the developers.

In any case it would take years to approve and construct these mitigations- if ever approved. Meanwhile, the developers plan to start construction and then filling the buildings with tenants and trucks immediately upon completion- leading to years of further congestion- the opposite of remediation.

6. VMT Traffic Mitigation-

Developers propose to pay the City of Oceanside 8.5% of the unknown cost of the hypothetical mitigation approaches for traffic management and signs.

146-5 Cont.

146-6

146-7

146-8

Page 4 of 5 in Comment Letter I46

See Response on Issue 5. Highway construction is under the authority of CALTRANS.

Additional Response:

Developers exacerbate the traffic problems, offer the City of Oceanside a flat sum and absolve themselves of any further liabilities to mitigate and address the very serious issues they've caused.

7.

Executive Summary-Environmental Issues & Remediation

Developers state that they are working within CEQA guidelines, working with CA
Department Toxic Substances Control within a voluntary agreement to remediate the hazardous
waste materials in the soil and are monitoring the air quality as part of their agreement.

Response- It is noted that remediation efforts are ongoing and remain unfinished. Site inspections are scheduled for 2024 and a final inspection in 2025- long after the buildings will have already been constructed.

The air quality monitoring results have not been posted by the developers or the state of California.

The potential for further environmental harm remains uncertain- especially as the developers disturb the contaminants in the soil. This is of especially serious public concern as the site is above the City of Oceanside's aquifer.

To date- The CA Department of Toxic Substances Control has held no Community meetings- as required- to inform the public about this project and its consequences for the health and safety of Oceanside residents- nor have the developers.

Meetings were supposed to have been held during the 45-day DEIR review period.

146-8 Cont.

146-9

Page 5 of 5 in Comment Letter I46

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Response to Comment Letter 146

Michael Kosec December 25, 2023

- This comment serves as an introduction to the comments that follow but does not raise any specific issue with the adequacy of the DEIR. Please see responses to comments that follow.
- This comment references text from the Executive Summary section of the DEIR. The commenter then provides the Oceanside Planning Commission's definition of Limited Industrial District and definitions of Light Industrial uses from USLegal.com, The Complete Real Estate Encyclopedia, and Putting Atlanta Back to Work. This comment does not raise any specific concerns with the adequacy of the DEIR. Please see Response to Comment 09-7.
- This comment expresses general opposition to the project based on the definitions outlined in comment I46-2, stating that the project would result in air pollution and noise beyond the project boundary and that the Planning Commission should not grant the Conditional use Permit (CUP) request for the project. In response, the DEIR analyzed project-related air quality and noise in detail in Section 4.2, Air Quality, and Section 4.11, Noise, of the DEIR. The Air Quality section of the DEIR determined that impacts would be less than significant with implementation of Mitigation Measure (MM)-AQ-1, and the Noise section of the DEIR determined that impacts as a result of project construction and operation would be less than significant. Detailed technical reports were prepared for both of these subjects and are included as Appendix B and Appendix H to the EIR. Additionally, please refer to Thematic Response 5 regarding land use compliance and issuance of a CUP, and Thematic Response 6 regarding the proposed reduction of truck bays as part of the project.
- The comment expresses concerns that fire, emergency, and natural disaster planning, in addition to evacuation needs, were not analyzed in the DEIR or a standalone plan. The comment states that the project should not move forward without a plan accepted by the City of Oceanside to protect surrounding residences. In response, please refer to Response to Comment 03-19.
- The comment states that the passenger car equivalent (PCE) used by developers in the vehicle miles traveled (VMT) analysis underestimates the impact of semitrucks on the 76. The commenter states that the project would gridlock the area and make it impossible to travel through at peak hours. The comment includes a reference from the Federal Highway Administration. In response, please refer to Response to Comment 09-177. Additionally, please see Response to Comment letter A3 (Caltrans).
- The comment expresses concerns regarding the EIR's implementation of MM-TRA-1, Voluntary Employee Carpool program, stating it is hypothetical and unsupported by evidence because the tenant is unknown and ownership can change. In response, please refer to Responses to Comments 05-17 and 09-174 through 09-176. Regarding a tenant for the project, please refer to Thematic Response 3.
- The comment expresses concerns regarding proposed mitigation and roadway improvements under the jurisdiction of the California Department of Transportation (Caltrans), stating that this coordination effort for improvements will take longer than construction of the project, leaving the area unmitigated and creating congestion. In response, please see Response to Comment letter A3 (Caltrans), Thematic Response 2 (Traffic/VMT), and I12-10.

- The comment expresses concerns related to the 8.5% fee responsibility of the developer for traffic impacts. In response, please refer to Response to Comment 05-15.
- The comment expresses concerns related to ongoing soil remediation at the project site from the previous industrial building on site. The comment states that monitoring results have not been shared and that the Department of Toxic Substances Control (DTSC) has not held any meetings to inform the public about the site. The comment states that final inspections would be done in 2025, long after development of the project. In response, remediation of the site as a result of the previous industrial building would be required to be completed prior to the start of project construction. A Response Plan, as required by DTSC, will be completed for the site and will be available for public review and comment, including one community meeting. The Final Response Plan is expected to be available in summer 2024. Please see Responses to Comments A2 (DTSC), and 09-113.

Robert Dmohowski

From: Sent: Kathy Stark <kathy.stark1@gmail.com> Wednesday, December 27, 2023 12:46 PM

To:

Wednesday, December 27, 2023 Robert Dmohowski

Subject:

Eddie Jones

Follow Up Flag: Flag Status:

Follow up Flagged

Categories:

Red Category

Warning: External Source

Sent from my iPad Dear City Planner, my name is Kathy Stark and I live in the airport community. I am opposed to the Eddie Jones Project proposed on Benet. I do not think this project does anything to enhance Oceanside and regardless of studies, I do fear traffic, pollution and more overcrowding on the 76. I do not believe there could be an easy, orderly way to evacuate in the event of a fire. I truly believe there would be people who would die. Too much traffic between Eddie Jones and Ocean Kamp. We would be sitting ducks in the event of a fire or earthquake and I would hold Oceanside responsible if I or anyone in here were to die. I believe this so seriously that I am recording it my Living Trust. Thank-you for your consideration, Kathy Stark 714-4039666. 3323 Morning View Drive 92058

147-1

147-2

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Response to Comment Letter I47

Kathy Stark December 27, 2023

- 147-1 The commenter states they live in the Airport community and are opposed to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenter offers an opinion regarding the evacuation in the event of an emergency or natural disaster and states that there is too much traffic between the project and Ocean Kamp. Please see Thematic Response 1, which addresses evacuation in the event of an emergency or natural disaster. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

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Robert Dmohowski

From: Debby Herbert <kayadeb36@outlook.com>
Sent: Wednesday, December 27, 2023 10:22 PM

To: Robert Dmohowski

Cc: Dee Keck

Subject: Eddie Jones proposed mega warehouse

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Rob,

I am writing to you, as like may others, I am highly opposed to the Eddie Jones mega warehouse project. I own a house north of the river, since 1997. As proposed, I believe it is inappropriate... a white elephant, as it is completely incompatible with the surrounding neighborhoods for a number of important reasons, which is a key requirement the city itself has set forth; with homes only 1500 feet from it and the additional thousands of residents that live north of the San Luis Rey River. One of those important reasons is the lumbering semi-trailer truck traffic coming and going from Benet Rd.

The traffic study has a major flaw/misrepresentation in the data; the 1% increase in traffic count cited pertains to the ALL the traffic at the entire intersection of Hwy 76 and Benet Rd, and not the increase to traffic turning left onto Benet Rd. from Hwy 76, that will impact the thousands that live north of the river. That percentage is much, much higher. Please see the traffic report.

The <u>original zoning</u> allowed a 50,000 sq. ft. building for each of the three lots for the proposed project. That means if built at all, it should be <u>no larger than 150,000 square feet.</u> Not the 500,000 square foot mega-warehouse monstrosity the developer has proposed. I am opposed to any warehouse being built there.

Nor does the traffic study consider the impact to traffic due to the very large and very slow lumbering semi-trailers. It only considers the extra number of vehicles. Each of those trucks are equivalent to probably ten or more cars when you factor in how slow they go and how large they are. They will jam up the turn lanes going to and from Benet Rd. to the highway, impairing traffic for all residents coming and going to Benet Rd. from Hwy 76. We are dependent on that turn lane. Plus we will be inhaling diesel fumes at the same time. And why allow something that depends on the use of more heavy polluting diesel trucks which does not fit the long term plan set forth by the State for clean air?

And how could it possibly be compatible with Oceanside's beach community identity, with the beach just a few miles down the road? AS well as the river a few feet from this proposed white elephant, where people walk, bike and run? Plus the negative environmental impacts. Can we really afford any of those impacts, despite what the EIS says?

The City permitted the construction of hundreds of homes long after that Eddy Jones site was zoned, therefore the city is morally responsible to not allow a development that will so negatively impact thousand in surrounding neighborhoods and that drive Hwy 76. Please be a good neighbor to the thousands of us who have invested our financial lives and our lives in this community, and to the residents of Oceanside at large, over the greed of a few.

148-1

148-2

148-3

148-4

148-5

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| Thank you for your consideration and your service to the community in listening to us. | |
|--|-------|
| Debby Herbert Owner, 575 Long Crest Dr. | 148-7 |
| Sent from Mail for Windows | |

2

Page 2 of 2 in Comment Letter I48

Response to Comment Letter 148

Debby Herbert December 27, 2023

- The commenter expresses general opposition to the project and raises a concern regarding truck traffic and the project's incompatibility with surrounding neighborhoods. Refer to Thematic Responses 2 and 6 for more information about how the traffic analysis was conducted for the DEIR and changes made to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment states that the traffic study has a major flaw/misrepresentation in the data. The comment asserts that the 1% increase in traffic count cited pertains to all the traffic at the entire intersection of State Route (SR-)76 and Benet Road and not to the increase of traffic turning left onto Benet Road from SR-76, which would impact the thousands that live north of the river. The comment does not identify why the author believes a 1% growth rate was utilized for the analysis of the intersection mentioned. As documented on Figure 7 of the Local Transportation Study (Appendix I), the intersection of SR-76 at Benet Road has an existing AM peak hour volume of 98 vehicles and a PM peak hour volume of 180 vehicles turning left from SR-76 onto Benet Rd. The horizon year volumes shown in Figure 19 document an AM peak hour volume of 130 vehicles and a PM peak hour volume of 240 vehicles turning left from SR-76 onto Benet Rd. The AM increase from 98 to 130 vehicles is 33%, and the PM increase from 180 to 240 vehicles is 33%. All the remaining movements at this intersection were also increased by 33%. Project traffic was added on top of the 33% increase, as shown in Figure 20, with 202 AM vehicles and 273 PM vehicles turning left from SR-76 onto Benet Road. Additionally, please see Responses to Comments A3-2 through A3-11.
- The commenter states that current zoning would only allow a total of 150,000 square feet of development and notes their opposition to construction of a warehouse on the site. Please refer to Thematic Response 5, which explains what is permitted under the existing land use designation and zoning. The proposed project would be consistent with the existing General Plan designation for the property, which is Light Industrial (LI) and the associated zoning category of Limited Industrial (IL). The maximum allowed Floor Area Ratio (FAR) under the City's Limited Industrial (IL) zone is 1.0. The proposed FAR is 0.41 based on the project's 566,905 square feet of building area.
- The commenter states that the traffic study did not consider the impacts of semitrucks on local roads. The comment also questions the compatibility of activities relying on heavy-polluting diesel trucks with the state's long-term plan for reducing air pollutants.

As explained in Thematic Response 2, CEQA no longer requires an analysis of level of service or delay to evaluate transportation impacts. Although not required to be evaluated in an EIR, many jurisdictions, including the City, require an analysis of a project's effects on the local transportation network. This analysis is included within Appendix I of the DEIR and explains that truck trip rates have an established method to convert truck trips into passenger car equivalent (PCE), as stated in Table E-1. Therefore, semitruck trailer trips were evaluated to inform the City's Public Works of the project's impact on the transportation network. In response to the commenter's concern regarding air quality emissions, the DEIR evaluates if the project would exceed the San Diego Air Pollution Control District's air quality thresholds due to construction or operation in Section 4.2, Air Quality. The analysis concludes the

project would not exceed any thresholds and that impacts are less than significant. The project's potential to contribute to climate change by emitting greenhouse gases (GHGs) in excess of state standards and the City's Climate Action Plan is evaluated in Section 4.7, Greenhouse Gases. The analysis demonstrates the project would not exceed thresholds set by the City's Climate Action Plan and would not result in a significant impact. No revisions to the DEIR are necessary.

- The comment questions how the project would be compatible with the City's beach community and the adjacent San Luis Rey River. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please refer to Thematic Response 4 for more information regarding the adjacent river and Thematic Response 5 for more information regarding compatibility with the City's underlying land use designation and zoning.
- 148-6 The comment reiterates general concerns that the project will adversely impact surrounding neighborhoods and SR-76. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 148-7 The commenter thanks the City for consideration of their concerns. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Robert Dmohowski

From: Linda Middleton lindaincarlsbad@yahoo.com>
Sent: Wednesday, December 27, 2023 1:28 PM

To: Robert Dmohowski
Subject: Eddie Jones EIR

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

I am a resident in the neighborhood off Benet Road that will be impacted by the Eddie Jones Project. My main concerns have to do with the increase in traffic caused by Big Rig Trucks in and out of the facility using Benet Rd and the 76 as their entrance and exit. Since this is only one of 2 exits from my neighborhood, the addition of large trucks to both the turn lanes from the 76, and exiting from both the right and left turn lanes of Benet onto the 76 will cause unreasonable traffic and delays - especially in the event of an emergency. With only 2 lanes each way on Benet, any large truck traffic will undoubtedly affect the commutes of the local residents. Any time there is a closure on the 76 at Benet (which has happened due to accidents) these trucks will need to go through our neighborhood to access the facility. These trucks will also increase the noise level and I do not see any mitigation for noise caused by trucks at the facility. The only buffer between the facility and our neighborhood is the SLR river. We currently can hear traffic from the 76 highway - the noise level from this facility will be much closer. I can see additional impact to the environment from residents needing to keep windows closed using more air conditioning.

There is a large residential area that will be impacted by this facility,

Please consider these additional impacts - the alternative plans that include only auto traffic - similar to the traffic that the previous manufacturing plant added - automobile traffic using Alex Rd as the entrance point -would be much less impactful to the residents and the environment.

Thank you for including my comments.

Les and Linda Middleton 601 Tukmal Dr Oceanside 149-1

149-2

149-3

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Response to Comment Letter 149

Linda Middleton December 27, 2023

The comment expresses general opinions about truck traffic on State Route 76, truck routes going through the neighborhood, congestion, and neighborhood access (because the commenter's neighborhood only has two entrances/exits). Noise from trucks is also noted as a concern in the comment. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Potential impacts to State Route 76 and traffic-related issues were fully analyzed and disclosed in the DEIR; please refer to DEIR Section 4.14, Traffic and Circulation, and Thematic Response 2, which discusses these issues.

The DEIR addresses noise in Section 4.11. The analysis demonstrates that the project's construction and operation noise levels would not exceed applicable thresholds of significance.

- The commenter raises concerns regarding operational noise, specifically for the commenter's neighborhood, for which the only noise buffer is the San Luis Rey River. Please see Response to Comment 149-1.
- 149-3 The commenter states the project will impact a large residential area and urges consideration of alternative plans that restrict truck access, similar to the prior industrial use. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

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150-1

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150-5

Robert Dmohowski

From: battcar@sbcglobal.net

Sent: Thursday, December 28, 2023 10:52 AM

To: Robert Dmohowski

Cc: Esther Sanchez; Ryan Keim; Eric Joyce; Rick Robinson; Peter Weiss; City Manager

Subject: Proposed Eddie Jones Project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

December 25, 2023

Subject: "Proposed" Eddie Jones Project (EJP)

Honorable Mayor Sanchez & City Council Members, Although the EJP is currently not "officially" on Oceanside City Council's agenda, the City's planning commission has been "officially" involved with the EJP "Draft Environmental Impact Report ("DEIR" D22-00001, Oct 2023). As 15+ years residents of Oceanside's "California Brisas" neighborhood (located just north of the EJP), we want to express our continued & vehement opposition to the proposed EJP for the following reasons:

>Safety/Emergency Services.

With only two access roads into & out of our neighborhood, the increase in traffic (including 100+ large semi-tractor/trailer diesel trucks), the EJP would severely hinder ingress of emergency vehicles AND egress of residents during an emergency (not unlike the terrifying 2022 hillside fire in California Brisas!).

>Traffic.

Again, with only two roads into & out of the neighborhood, the added traffic congestion created by EJP, when added to traffic congestion from the nearby & already approved OceanKamp Project, will result in a nightmare not only for our neighborhood, but also for traffic along SR 76 and I-5!

>Scale of the Project.

The proposed single large (566,906 sq ft warehouse) building will be (despite the developer's proposal & comments) nothing short of an enormous eye sore: indeed, it would be over three times the size of the previous occupant's buildings! (drive up to Hemet to see for yourself the total abomination already created in that community, and you'll understand why lawsuits are rampant).

>City of Oceanside's "Vision" (re: Oceanside Economic Development Element or EDE) In summary, the EJP is NOT a good fit for this site: Ask yourself, "Does the EJP reflect what you want the feel of Oceanside to be?" and "isn't it in direct contrast to OceanKamp?." Simply put, Oceanside does NOT need another warehouse, and we hope the city will consider the negative affects the EJP will have on the residents and City of Oceanside.

Respectfully, Alan & Robin Waite 555 Long Crest Drive

1

Oceanside, CA (920580 (858) 230-4711

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This email has been checked for viruses by AVG antivirus software. https://us-east-

 $2. protection. sophos. com? d=avg. com\&u=d3d3LmF2Zy5jb20=\&i=NWI3ZWYwYmI4YmY4ZjUxNmJjOTJhN2Q2\&t=aitaTTN0cTE1REI5L2ROeUtMSHkrU0VXUnZYaUNLbHVubGM1SkVjUmVVVT0=\&h=6b969a89c8c4461f87436608d4b8b140\&s=AVNPUEhUT0NFTkNSWVBUSVZPrIJkB72agvw9mhqwIT43bEG_wrzDSVnN3eJ_6nXY1g$

2

Page 2 of 2 in Comment Letter I50

Response to Comment Letter I50

Alan and Robin Waite December 28, 2023

- The commenters state they are residents of the California Brisas neighborhood and are opposed to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment is concerned that the increase in truck traffic would impede emergency services and residents' evacuation during emergencies, citing a hillside fire in 2022 as an example. Please refer to Thematic Response 1 for more information regarding evacuation concerns. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenters expresses concern regarding an increase in traffic congestion in their neighborhood and on State Route 76 and Interstate 5 due to the project and other approved projects. Please refer to Thematic Response 2 for more information regarding the traffic analysis and what was required to be analyzed. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 150-4 The commenters offer an opinion on the size of the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenters feel the project is not a good fit for the project site and that the city does not need another warehouse. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

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Robert Dmohowski

From: Jennifer Jacobs < jenn.jacobs@yahoo.com>
Sent: Thursday, December 28, 2023 10:24 PM

To: Robert Dmohowski

Subject: DEIR - Eddie Jones Warehouse opposition

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Mr. Dmohowski and the Oceanside Planning Department:

I am writing to express concern and disapproval of the proposed Eddie Jones warehouse project. First and foremost, I am concerned about the proposed location just 100 feet from a critical biological resource, the San Luis Rey River. As a biologist, I know first-hand how critical the river is to a wide variety of wildlife species. It is the single most important wildlife corridor in our city and a critical breeding zone for special-status species such as the federally endangered bird species Least Bell's Vireo. It seems to be one of the worst imaginable places for a busy manufacturing and distribution facility.

The proximity to the river could have the following impacts:

noise-According to the DEIR, the following noise level was projected: "88.9 dBA for noise from a single active loading dock, including truck airbrakes, back-up alarm, idling before shutoff, ignition, and acceleration from stop." This is just from a single dock, and 114 docks are being proposed! This will certainly have a negative impact on our wildlife, particularly so on our bird species who rely heavily on vocalizations to communicate.

Low frequency noise, which the operation of the warehouse would certainly create, also has been shown to have negative effects on both wildlife and human health and should be included in the analysis.

pollution- According to the DEIR, the project will emit 79.36 VOC pounds per day during construction. Even the amount projected with mitigation, 73.73 VOC pounds per day, is astronomical. According to the EPA, no person should discharge more than 15 pounds of VOC emissions per day, so the project would emit nearly 5 times that limit. These harmful compounds can lead to acid rain and ozone, which can have a detrimental impact on the environment.

Furthermore, I am concerned about the impacts to human health as well. The San Luis Rey River bike bath is heavily traveled by cyclists, runners, and other residents trying to get exercise. The bike path is truly one of our city's gems. Why place a warehouse along the route that will expose all of these people to unnecessary pollution and noise while they are trying to improve their health and enjoy the outdoors?

Please don't allow this warehouse to be built by our precious river. The City of Oceanside's Subarea Plan sets forth a No Net Loss policy that requires maximum avoidance of project impacts to wetland habitat. As the project is next to and would surely affect riparian habitat, it would not adhere to this policy (could the Army

151-1

151-2

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1

Corps of Engineers have approved?). Please follow the plan and protect the wildlife that depend on a this critical habitat.

Thank you for your time and attention.

Sincerely,
Jennifer Jacobs Schauble
Oceanside resident

2

Page 2 of 2 in Comment Letter I51

Response to Comment Letter I51

Jennifer Jacobs Schauble December 28, 2023

The commenter expresses concern about and disapproval of the project, particularly in regard to the project's location near the San Luis Rey River and its effects on biological resources. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

The DEIR addresses direct and indirect project impacts on biological resources in Section 4.3, Biological Resources. A Biological Technical Report was prepared to identify the presence of any special-status plant or wildlife resources that may be present on the site. This report is included as Appendix C to the DEIR. To address potential impacts due to project construction and operation, the DEIR includes mitigation measures to ensure impacts are reduced to less than significant. Mitigation includes preconstruction nesting bird surveys, biological monitoring during construction, and requirements that no invasive plant species are introduced as part of the project's landscaping plan. Please also refer to Thematic Response 4, which addresses proximity of the project to the San Luis Rey River bike path.

- The comment references noise levels identified in the DEIR and states that operational noise will have negative impacts on wildlife, particularly bird species. Please refer to Thematic Response 6, which notes that the number of loading docks will be reduced, a change made to the project after the DEIR was released. Please see Response to Comment 010-5 regarding the low-frequency noise comment. Noise-related impacts to biological resources were evaluated in Section 4.3, Biological Resources, which identifies construction noise as a short-term indirect impact that would be mitigated through compliance with MM-BIO-1 through MM-BIO-4. Long-term noise impacts to wildlife were determined to be less than significant.
- **I51-3** The comment expresses concern regarding air pollutants resulting from the project, citing the DEIR's projection of volatile organic compound (VOC) emissions.

The DEIR addresses the potential for the project to increase air pollutants associated with construction and operation in Section 4.2, Air Quality. The commenter is mistaken about the threshold related to VOC emissions. Section 4.2 of the DEIR evaluates the estimated maximum daily construction criteria air pollutant emissions both prior to and after mitigation. As shown in Table 4.2-6, the project's maximum VOC emissions were estimated at 79.36 and therefore would exceed the San Diego Air Pollution Control District (SDAPCD) threshold of 75 VOC pounds per day, requiring mitigation. Inclusion of MM-AQ-1 would reduce VOC pounds per day to 73.73, which would not exceed the thresholds for any criteria air pollutant. For operation, the levels of VOC would be 16.64 pounds per day and would not exceed the applicable threshold. Therefore, with implementation of mitigation, project construction would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.

The commenter expresses concern regarding potential impacts to human health, particularly along the San Luis Rey River bike path. Please refer to Thematic Response 4 for more information regarding the health effects to users of the adjacent San Luis Rey River bike path.

- The commenter requests the project not be constructed, referencing the City of Oceanside Subarea Plan's No Net Loss policy for wetland habitat. Section 4.3, Biological Resources, of the DEIR addresses whether the project would impact wetlands or riparian resources on the project site. The DEIR determined there are no state or federally protected wetlands or riparian habitat present on the site. The DEIR includes an analysis of the project's compatibility with the Oceanside Subarea Plan of the North County Multiple Habitat Conservation Plan, starting on page 4.3-18. The project has been designed to maintain a 100-foot biological buffer from the edge of the San Luis Rey River riparian habitat, as specified in the Subarea Plan. The buffer area would be replanted with native coastal species, establishing a transition between the industrial use of the project and the neighboring riparian habitat. The DEIR concludes that the project is consistent with the biological resource avoidance and mitigation requirements outlined in the Subarea Plan and would not result in a conflict with the plan's objectives, including the No Net Loss policy.
- **151-6** The comment includes concluding remarks. The comment does not raise any specific environmental issues related to the adequacy of the DEIR, and no further response is required.

Robert Dmohowski

From: Edwin Jenkins <ejenkins@sprintmail.com>
Sent: Thursday, December 28, 2023 2:35 PM

To: Robert Dmohowski

Subject: Additional response to Eddie Jones warehouse Draft EIR

Attachments: Truck Pollution Is Killing This Southern California Region.docx; SDUT Article

20230314.doc; Pollution Concerns_20230202.pdf

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Dear Rob Dmohowski,

The attachments express concerns in response to the Draft EIR for the proposed Eddie Jones Warehouse project. Please add them to the project record.

152-1

Would appreciate receiving an email confirming receipt of my email.

Sincerely yours,

Joseph Edwin Jenkins

SECTION E

The San Diego Union-Tribune

TUESDAY • MARCH 14, 2023



The rising onslaught of harmfu

BY RACHEL BLUTH

about 50 yards from a busy freeway that ects California's capital city, one it has been increasingly used as a ce for high-speed races, diesel-wing big rigs, revving motorcycles und cars that have been llegally diffed to make even more noise. About the one is the second of the control of the About the one is the second of the control of the second of the control of the control of the control of the day of the control of the control of the control of the day of the control of the control of the control of the day of the control of the control of the control of the day of the control of the control of the control of the control of the day of the control of the control of the control of the control of the day of the control of the co

nson said therwise, the din is nearly con-, and most nights, he's Jolted out ep five or six times. Para come by and they don't have ers," said Thomson, 54, who re-ls homes for a living. "It's terrible. Trecommend it for aryone." nomson is a victim of noise pollu-which health experts warn is a nig problem that is not confined rears but causes stress-related

"There's an aspect of our society that likes to be loud and proud. But that shouldn't infringe on someone else's health in a public space."

State Sen. Anthony Portantino, D-Glendale

conditions such as anxiety, high blood pressure and insomain.

On the condition of the cond

nditions such as anxiety, high blood sessure and insommia. Callifornia legislators passed two ses in 2022 aimed at quieting the wirvonnemt. One directs the Calimia Highway Patrol to test noise-tecting cameras, which may eventuated. Callifornia's laws will take time and

California's laws will take time and have limited effect, but noise control experts called them a good start. Still experts called them a good start. Still experts called them a good start still experts called them a good start. Still experts called them a good start. Still experts called them a good start still expert called the still expe

lic Health Association declared noise public health hazard. Decades of re-search links noise pollution with not only sleep disruption but also chronic

nilive impairment, deprivation anxiety.

"Despite the breadth and seriousness of its health impacts, noise has not been prioritized as a public health problem for decades." the declaration says. "The magnitude and seriousness of noise as a public health hazard warrant action."

of noise as a public health hazard war-rant action."

When there's a loud noise, the audi-tory system signals that something is wrong, triggering a fight-or-flight re-sponse in the body and flooding it with stress hormones that cause inflamma-tion and can ultimately lead to disease, said Peter James, an assistant profes-sor of environmental health at Harvard University's T.H. Chan School of Public Health.

University's T.H. Chan beneaus.

Health.
Constant exposure to noise increases the risk of heart disease by 8 percent and diabetes by 6 percent, research shows. The European Environment. Agency estimated in 2020 that noise exposure causes about 12,000 permature deaths and 48,000 cases of heart disease each year in Western Europe.

SEE NOISE • E3

152-1 Cont.

Page 2 of 9 in Comment Letter I52

NOISE • Auditory pollution often higher in low-income communities

FROM E1
While California Highway Patrol officials will spend the next few years researching noise cameras, they acknowledge that noise from street with the content of the they acknowledge that noise from street racing and so-called sideshows — where people block off intersections or parking lots to burn out tires or do "doughnuts" — has surged over the last several years and disturbs people right now.

and disturbs people right now.

Cars in California are supposed to operate at 95 decibels — a little louder than a leaf blower or lawn mower — or less. But drivers often modify their cars and motorcycles to be louder by installing "whistle tips" on the exhaust system to make noise or by system to make noise or by

louder by installing "whistle tips" on the exhaust
system to make noise or by
removing mufflers.

In 2021, the last full year
for which data is available,
the CHP issued 2,441 ticknoise, nearly double 2018's
1,400 citations.
"There's always been an
issue with noise coming
from exhausts, and it's
gained more attention
lately," said Andrew Poyner,
a highway patrol captain.
"It's been steadily increasing over the past several
years."

The American Public
Health Association says

Health Association says the federal government should regulate noise in the air, on roads and in work-places as an environmental hazard, but that task has mostly been abandoned since the federal Office of Noise Abatement and Control was defunded in 1981 under President Reasan.

1981 under President Reagan.
Now the task of quieting communities is mostly up to states and cities. In California, reducing noise is often a byproduct of other environmental policy changes. For instance, the state will ban the sale of noisy gas-powered leaf noisy gas-powered leaf blowers starting in 2024, a policy aimed primarily at reducing smog-causing emissions

One of the noise laws One of the noise laws approved in California in 2022, AB 2496, will require owners of vehicles that have been ticketed for noise to resolve the issue before they can re-register them through the Department of Motor Vehicles. Currently, drivers can pay a fine and



Cars in California are supposed to operate at 95 decibels — about the level of a lawn mower — or less, but some drivers modify the exhaust systems on their ears or motorcycles to be louder or remove the mufflers.

Exposure to noise, such as a plane landing or taking off, can trigger a fight-or-flight response in the body that releases stress hormones.

keep their illegally modified cars as they are. The law takes effect in 2027. The other law, SB 1097, directs the highway patrol to recommend a brand of

noise-detecting cameras to the Legislature by 2025. These cameras, already in use in Parls, New York City and Knoxville, Tenn., would automatically issue tickets if they detected a car rum-bling down the street too loudly.
Originally, the law would have created pilot pro-grams to start testing the

legislators said they wanted to go slower and approved only the study. Portantino said he's frustrated by the delay, especially because the streets of Los Angeles have become almost unbearably loud.

loud. "It's getting worse,"

"It's getting worse,"
Portantino said. "People
tinker with their cars, and
street racing continues to
be a problem."
The state is smart to
initially target the loudest
noises, the cars and motor
cycles that bother people
the most, Blomberg said.

"You can make every car coming off the line half as loud as it is right now and it would have very little im-pact if you don't deal with all the people taking their mufflers off," he said. "That outpressed he shad."

all the people taking their mufflers off, he said. "That outweighs everything." Traffic noise doesn't affect everyone equally. In a 2017 paper, James and colleagues found that giftnitime noise levels were higher in low-income communities and those with a large proportion of non-White residents. "We've made these conscious or subconscious decisions as a society to put minority-race communities and lower-income communities who have the least amount of political power in areas near highways and airports," James said. Elaine Jackson, 62, feels that disparity acutely in her low-income neighborhood sandwiched between freeways in northern Sacramento.

On weekends, sideshows

On weekends, sideshows On weekends, sideshows and traffic noise keep her awake. Her nerves are jungled, she loses sleep, her dogs panie and she generally feels unsafe and forgotten, worried that new development in her neighborhood would just bring more traffic, noise and air pollution. tion.
Police and lawmakers

Police and lawmakers don't seem to care, she said, even though she and her neighbors constantly raise their concerns with officials.

officials.

"It's hard for people to get to sleep at night," Jackson said. "And that's a quality-of-life issue."

Bluth writes for KHN (Kaiser Health News), a national newsroom that provides in-depth coverage of health issues and that is one of the three major operating programs at KFF (Kaiser Family Foundation).

HARP CALENDAR SPOTLIGHT

21 March **Understanding How** Medicare Works

152-1 Cont.

Page 3 of 9 in Comment Letter I52



A big rig drives on Harbor Drive in Barrio Logan on Wednesday.

POLLUTION CONCERNS SINK LEASE FOR PORT WAREHOUSE

BY JOSHUA EMERSON SMITH

A deal between the Port of San Diego and Mitsubishi Cement Corp. for a storage facility at the 10th Avenue Marine Terminal has fallen through, officials announced Wednesday.

Environmental justice advocates long opposed the project, which would have dramatically increased freight truck traffic in the neighborhood of Barrio Logan.

neighborhood of Barrio Logan.
The Port had signaled a desire to address air pollution and other concerns by requiring Mitsubishi to use electric trucks at the warehouse. However, a blueprint never materialized, and now the company appears to have abandoned its longstanding campaign.
The Port anticipated pulling in

The Port anticipated pulling in at least \$1 million a year in lease revenue from the deal, officials said

Rafael Castellanos, chair of the commission overseeing the Port, said the situation signals a "change in culture" at the agency.

said the situation signals a "change in culture" at the agency.

"We're trying to be the best neighbor that we can be," he said. "This community has historically and disproportionately suffered impacts not just from the Port but by having their community dissected by an interstate and the Coronado Bridge."

wang cheer community dissected by an interstate and the Coronado Bridge."

Mitsubishi had renewed its nearly decadelong push to estab-SEE PORT • A7 I52-1 Cont.

Page 4 of 9 in Comment Letter I52

PORT Nation's first all-electric tugboat near

FROM A1 lish a warehouse at the port last fall. The proposal had been put on hold in late 2020 after community advocates raised concerns about the potential for thousands of new diesel truck trips throughout the

surrounding neighborhood.

The seven-member board of commissioners — then led by Mike Zucchet, who also works as the general manager of the San Diego Municipal Employees Association - directed the company and Port staff to draft strict requirements for incorporating electric or other zero-emission trucks into the pro-

Activists said they felt betrayed when the document never sur-faced. Then Mitsubishi started blanketing the community with flyers promoting its project, "Mitsubishi disrespected the

community by refusing to come forward with any plans to use zeroemission trucks," said Diane Takvorian, former executive director of the Environmental Health Coalition. "They also underesti-mated the strength, commitment and persistence of residents who pushed back hard, refusing to allow more deadly pollution in our communities."

Mitsubishi did not immediately respond to a request for comment

Wednesday.

Barrio Logan has for decades been plagued by large freight trucks coming and going from the port. Massive cargo ships can also belch pollution while they unload containers using diesel-powered

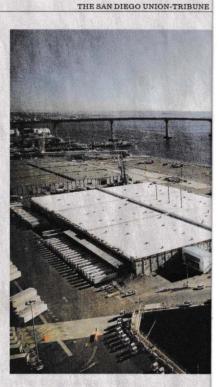
Such pollution contributes to fine particulate matter, known as PM2.5, which when inhaled exacerbates conditions such as asthma and heart disease. The tiny particles can lodge deep in a person's lungs, even their bloodstream.

Barrio Logan already suffers from some of the worst asthmaand cancer-causing air pollution in the state. Port officials have recently made some significant investments under its Maritime

Clean Air Strategy.

Last February, for example, the agency announced the purchase of two all-electric \$14 million harbor

Officials also recently installed a second \$4.6 million "shore power"



A deal between the Port of San Diego and Mitsub (shown) has fallen through, officials announced o



Big rigs pull Dole trailers Wednesday in Barrio L where shiploads of fruit are offloaded and then tr

152-1 Cont.

Page 5 of 9 in Comment Letter I52



152-1 Cont.

Page 6 of 9 in Comment Letter I52

joshua.smith@sduniontribune.com

ogan near the 10th Avenue Marine Terminal,

Truck Pollution Is Killing This Southern California Region

Lawrence Hodge

Tue, February 7, 2023 at 2:40 PM PST



I52-1 Cont.

An Amazon Warehouse in Eastvale, California

There's a part of America located on the West Coast that's essentially one giant storage area, filled with millions of square feet of *things* sitting and waiting to be distributed to the rest of the country. I'm referring to Southern California's Inland Empire. While this region may be booming to some, that comes at a high price; the *L.A. Times* reports on the environmental impact of these mammoth buildings and the millions of trucks that traverse the region's roads to and from the ports.

Living here — and I face this as both a native and resident — you're faced with a harsh reality: Breathing in the worst smog in the nation. Data from

Page 7 of 9 in Comment Letter I52

the <u>American Lung Association</u> shows it. And on any given day, when the Santa Ana winds haven't come and blown it all away, you can literally see the brown haze of pollution hanging over one of the many local valleys.

Read more

Most of the pollution is big rig exhaust. At any given time, semi trucks are traversing local streets and freeways making their way to and from the ports of Los Angeles and Long Beach. And it's bad. Using a mapping tool called Warehouse City that was developed to track the progress of the region's warehouses, it shows that there are 4,000 warehouses in the region with a total footprint of 1.5 billion sq.-ft. Running between these warehouses are half a million daily big rig trips, choking the air with pollution. What's worse, 300 of these warehouses are within 1,000 feet of nearly 140 schools.

Getting down to specific cities shows that some areas fare better or worse than others. Ontario, California — which also happens to be my hometown — has the most warehouses of any city in the area at 600. Along with those 600 warehouses come over 95,000 daily big rig trips. To put that in perspective, that's more trucks than you'd see on the 710 freeway, with its 45,000 daily truck trips. The 710 is a direct route to and from the port of Long Beach.

In recent years legislation has been proposed to curb the development of warehouses and stop the environmental impacts caused by their development and trucking. California Assembly Majority Leader Eloise Gómez Reyes proposed legislation in 2022 that would have created a buffer zone of 1,000 feet between warehouses and places like schools and daycares. But anything challenging their development is met by opposition from developers and local leaders. One local developer, Howard Industrial Partners, who developed over nine million square feet locally, argues that warehouses increase the quality of life.

"Development is creating an employment base and is an economic driver," said Tim Howard, a founding partner of Howard Industrial Partners. He said warehouse projects have "transformed cities" like Fontana, providing employment opportunities and raising the quality of life."

But the employment he's referring to has median wages for warehouse workers of just over \$18 per hour and \$24.93 per hour for truck drivers — not enough for California's high cost of living. And the warehouses, their

152-1 Cont.

Page 8 of 9 in Comment Letter I52

footprints and subsequent trucking have transformed cities in the worst way.

Unless something more is done, the region will continue to be bogged down by warehouses and choking exhaust. And as one local engineer turned advocate said, it's not prepared for it. "We have the worst air quality. We have gridlock. We have streets and communities that were never built for global logistics. We're basically building, on top of failed infrastructure, a global network." Head over to the *L.A. Times* to read more.

152-1 Cont.

Page 9 of 9 in Comment Letter I52

Response to Comment Letter I52

Edwin Jenkins December 28, 2023

The commenter has provided news articles highlighting concerns about harmful noise and pollution. The comment does not explicitly explain the relevance of these attachments to the analysis of the project in the DEIR. Section 4.11 of the DEIR addresses noise, demonstrating that the impacts will be less than significant. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Comment Letter I53

Robert Dmohowski

From: Carol Broeland <memaeee@icloud.com>
Sent: Thursday, December 28, 2023 12:52 PM

To: Robert Dmohowski

Cc: Eric Joyce; Ryan Keim; City Manager; Esther Sanchez; Rick Robinson; Peter Weiss

Subject: Fwd: DEIR. ES.5-1 Section 151 23 (b). 1

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

>

> City of oceanside core values" states: INTEGRITY, excellent customer service, leadership, teamwork, QUALITY OF LIFE. The EJ project would actually diminish the quality of life for our children in our nearby community. This Eddie Jones Project is 1.5 miles to 5.0 miles from Teri's School for Special Needs Children, Clair Burgener Academy high school and Mission Elementary school. With increased diesel trucks hauling merchandise in and out of our neighborhood, the air quality would adversely affect our local children while in school AND in their homes, due to particulate matter and nitrogen oxides spewing into the air they breathe. These pollutants can contribute to respiratory problems, aggravate existing respiratory conditions like asthma, and potentially affect overall lung development in children. Exposure has been associated with adverse health effects making it important to minimize exposure, especially in high traffic or industrial areas. If this project gets the green light, it will be impossible to protect our children and their families from this potential health hazard.

153-1

- > The Eddie jones project directly goes against Oceansides CORE VALUE statement of INTEGRITY AND QUALITY OF LIFE.
 > It is irresponsible to suggest that this project would have little or no impact on the quality of life, and overall health of our neighborhood's citizens, adults and children alike.
- > How can this issue be mitigated? It cannot.
- > Carol Broeland
- > Airport Community resident

>

>

> From Carol's iPad

Robert Dmohowski

From: CAROL BROELAND <memaeee@aol.com>
Sent: Thursday, December 28, 2023 3:42 PM

To: Robert Dmohowski
Cc: Admin OSO

Subject: Biological Resources (impact BIO-1) MM-BIO-1

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Respectfully submitted Carol Broeland

The DEIR comments in this section addresses nesting birds' breeding season relating to the grading, ground- disturbing activities DURING CONSTRUCTION ONLY. The DEIR addresses this issue for active construction but fails to actually address the on-going issue of the disturbances caused by the actual day-to-day functioning of a fully operational warehouse/distribution business. (trucks, automobiles , forklifts, personnel) The DEIR states the developer would have a 'project biologist' on site for a onetime biological survey, but that is far from a remedy. It's one snapshot in time. Nesting raptors and/or birds, which are protected by the federal migratory bird treaty act and California fish and game code: sections 3503 and 3513, must be considered a high priority and CANNOT be fully observed by a one-time visit by a qualified biologist or even 'periodic monitoring' as stated in the DEIR. If this project is fully operational, these protected species are not likely to return due to noise, movement, odors and toxins created by said trucks, forklifts, vehicles and personnel. This project would impact said nesting raptors/ birds, to the point of them not remaining in San Luis Rey Riverbed area, totally disrupting their breeding, nesting, foraging habits. This is not acceptable.

153-2

Response to Comment Letter I53

Carol Broeland December 28, 2023

I53-1 The commenter opines that the project would diminish the quality of life for children, indicating that schools are located between 1.5 and 5 miles away from the project site.

Section 4.2, Air Quality, of the DEIR evaluates the potential for the project to result in significant adverse environmental impacts as a result of an increase in air pollutants due to construction and operation activities. Sensitive receptors are defined as people most likely to be affected by air pollution and include children, the elderly, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, playgrounds, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, retirement homes, health clinics, and hospitals, as provided on page 4.2-2 of the DEIR. The closest sensitive receptors to the project site are single-family residences north of the site across the San Luis Rey River, approximately 0.15 miles from the project site, significantly closer than the nearest school identified in the comment. To evaluate diesel particulate matter (DPM) emissions associated with construction from heavy equipment operations and heavy-duty trucks and health impacts to the nearby sensitive receptors, a Health Risk Assessment (HRA) was prepared. The analysis concludes that exposure from construction activities would result in cancer risk less than the 10 in 1 million threshold and less than the Chronic Hazard Index significance threshold of less than 1. Therefore, impacts would be less than significant (see DEIR pp 4.2-28). Longterm health effects associated with operations were also evaluated in the HRA, and the finding was also less than significant. The DEIR concludes that, with this mitigation measure, the project's air quality impacts would be less than significant. Please see Response to Comment 05-27.

153-2 The comment addresses the requirement that pre-construction surveys are required for nesting birds only during the construction phase and argues that the DEIR did not address ongoing disturbances caused by project operation, including noise, movement, odors, and toxins.

The comment references sections 3503 and 3513 of the California Department of Fish and Game Code (FGC), which address "taking," possessing, or destroying any birds of prey, as well as nests of other birds. DEIR Section 4.3 evaluates the potential for construction and operation of the project to impact protected candidate, sensitive, or special-status plant and wildlife species, including impacts to their habitat, as well as potential impacts to migratory species. The analysis demonstrates the project would not result in direct habitat modifications that would have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species (DEIR page 4.3-14). Because the project could result in loss of foraging and/or breeding and nesting habitat to special-status species during site disturbance, Mitigation Measure (MM)-BIO-1 and MM-BIO-2 were identified. Potential longterm or permanent indirect impacts to special-status wildlife species that may occur adjacent to the project site include non-native, invasive plant and animal species and increased human activity. However, with the establishment of the 100-foot buffer between the proposed project site and the San Luis Rey River, long-term effects would be minimized. The FGC does not require long-term monitoring of protected species on and off-site. As outlined in Section 4.3 of the DEIR, no long-term (operationrelated) or permanent indirect impacts would occur within adjacent vegetation communities with implementation of MM-BIO-1 through MM-BIO-4.

Comment Letter I54

Robert Dmohowski

From: carol ann <mhhospitality2021@aol.com>
Sent: Friday, December 29, 2023 3:31 PM

To: Robert Dmohowski
Subject: DEIR - hydrology

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Subject: DEIR - hydrology

Reference- hydrology. PLSA 3751-01

3.3 Detention Analysis

As stated in DEIR, the on-site detention facility consists of underground storage vaults, located beneath the drive isle.

**Are theses storage vaults treated with chemicals, if so what chemicals?

Is there a filtration system?

What materials would used in filtration?

Underground vaults are subject to deterioration and leakage and should be monitored frequently. What is in place to monitor the integrity of these vaults? Also stated is all site runoff will be collected by a series of private storm drain inlets and piping. How is the integrity of these drain inlets and piping monitored? How frequently? Who will monitor?

The DEIR states that this project will comply with the city of Oceansides BMP design manual dated February 2016. Is this the most current manual? The San Diego county hydrology guidelines are dated June 2003 (sited as reference) Is this the most current available guideline?

This DEIR does not include any ongoing process to monitor the Aquifer and groundwater from construction, nor any operational impacts from this proposed manufacturing warehouse facility.

Since the development fails to include a tenant or what types of products may be manufactured on this site, or what substances might be included in the runoff, being absorbed into the ground.....it is impossible to state, without any doubt, that this Eddie Jones project will not negatively impact the Aquifer or San Luis Rey River.

Sincerely, Airport residents Walter and Carol Broeland

From Carol's iPad

154-1

154-2

154-3

Response to Comment Letter I54

Walter and Carol Broeland December 29, 2023

- The commenters raise questions about the on-site detention facility and other stormwater facilities discussed in Section 4.9, Hydrology, of the DEIR. In response, the proposed detention vaults consist of prefabricated concrete modules. There are no chemicals used for treatment within the vaults, as their purpose is purely for stormwater detention. Stormwater treatment is provided using proprietary biofiltration best management practices (BMPs), consisting of Technology Assessment Protocol Ecology (TAPE)-certified Modular Wetlands Linear stormwater bioretention units by Contech Engineered Solutions or an approved equivalent. The maintenance of these facilities will be the responsibility of the property owner, as these facilities will ultimately be included as part of a stormwater maintenance agreement that records against the property. A typical maintenance schedule for these facilities is included in the project Stormwater Quality Management Plan (SWQMP) (Appendix G to the EIR).
- The commenters question the DEIR reference the City's 2016 BMP design manual and whether the DEIR relies on outdated standards. The DEIR relies on the City of Oceanside's BMP Design Manual dated January 2022; however, the Preliminary Hydrology Study was drafted in January 2022 and the BMP Design Manual was updated in January 2022, which is why the report references the 2016 version of the manual. However, reference to the January 2022 date has been updated in the Hydrology and Hydraulics Report included as Appendix E to the Final EIR. The most recent version of San Diego County Hydrology Manual is dated June 2003. Thus, the DEIR's analysis utilizes the relevant criteria, and it should be further noted that the BMPs ultimately installed would have to comply with the version of the design manual in place when construction permits are reviewed.
- The commenters express concern about an ongoing process to monitor the aquifer and groundwater both during construction and the operational phase of the project. In response, the Hydrology and Hydraulics Report analyzes and compares peak discharge leaving the subject property during the 100-year, 6-hour design storm event. The study quantifies the impact of the proposed development by comparing peak flows generated in the pre-project and post-project condition, providing on-site mitigation and detention to attenuate peak flows from the proposed development below those generated in the pre-project state. In this context, the proposed development will comply with applicable law and, as disclosed in the DEIR, will have less-than-significant hydrological impacts.

Comment Letter 155

Robert Dmohowski

From: Gretchen Gary < gretchengary@gmail.com>

Sent: Friday, December 29, 2023 4:33 PM

To: Robert Dmohowski

Cc: John Bucalo; City Clerk; City Manager

Subject: comments on the Draft EIR for Eddie Jones Warehouse project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Attention Rob Dmohowski and members of the Oceanside City Planning effort,

I am writing this email to capture my comments and complaints on the Draft EIR for the Eddie Jones Warehouse project. While I have many concerns about this project, my primary comments are summarized below:

155-1

1) The report references "light industrial land" but never calls out that the proposed project is a Mega-Industrial Project that is typically proposed for remote, rural locations like the Denver International Airport where there are no residential communities for many miles in all directions. The fact that a project of this magnitude is proposed for land less than 1,400 feet from residential homes, is adjacent to the natural corridor of the San Juan River and within 2 miles from the ocean should receive far more coverage than it does in the existing draft of this report. As a reminder, I live in the home circled in red on this map with my family, which includes two young children both under the age of 10 years old. There should be an EIR consideration for our health given the proposed operations at this site. There are multiple reports available now on the impact on local residents who are exposed to pollution from these kind of facilities. That data should also be included in this report. I see that air quality is determined to be of significant impact in the report, however there should be more detail on this topic given the close proximity to residential homes where many young children live. There are at least 20 young children living near the red circle in this map.

155-2



155-2 Cont.

2) There is no mention of impact due to proposed operations at the site in the report. The only item related to air quality in the Summary of Significant Environmental Impacts (Table ES.5-1) is related to the VOCs released during construction. There is no mention of impact of the proposed operations of the site. Was this a miss? Or was this topic deliberately excluded? I would assume that an EIR would include the full lifecycle of a project when assessing its environmental impact, especially as this project is so close to residential communities and a natural water body that runs out to the ocean just 2 miles away.

155-3

3) The Airport Community just across the river from this site is largely ignored from the EIR report. While it is mentioned in the introduction section ES.2.1 as part of the description of the project location, there is no subsequent deep dive on the environmental impacts on human health within the Airport community. Was our community deliberately excluded from the impact analysis?

155-4

I ask that the EIR is revised to include the above.

Regards, Gretchen Gary 471 Tishmal Ct Oceanside 92058

Response to Comment Letter I55

Gretchen Gary December 29, 2023

- This is an introductory comment and does not raise any specific issues related to the adequacy of the DEIR; therefore, no further response is required.
- The commenter raises concerns about the project's size, location, and health effects on nearby residential areas. Please see Thematic Response 4, which addresses potential health effects on nearby uses, and Thematic Response 5, which addresses the land use and zoning designations and what is considered a permitted use under these designations.

The DEIR addresses air quality impacts in Section 4.2, Air Quality. The analysis includes Mitigation Measure (MM)-AQ-1, which requires low-volatile organic chemical (VOC) coatings (paint products) be used to ensure emissions are reduced to below the San Diego Air Pollution Control District's significance thresholds. Additionally, as outlined in the Air Quality and Greenhouse Gas Emissions Technical Report (Appendix B to the DEIR), a Health Risk Analysis (HRA) was performed to assess the impact of construction and operational emissions on sensitive receptors in proximity to the project site. Starting on page 4.2-26 of Section 4.2, the findings of the HRA are summarized, demonstrating that exposure to toxic air contaminants (TACs) (i.e., diesel particulate matter) from construction equipment would result in a cancer risk less than the 10 in 1 million threshold and less than the Chronic Hazard Index significance threshold of less than 1 (see Table 4.2-10). Therefore, construction of the project would not expose sensitive receptors to substantial TAC emissions. Additionally, operation of the project was evaluated to determine if emissions from trucks would result in TACs that would expose sensitive receptors to substantial pollutant concentrations contributing to health effects and an increased cancer risk over a 30-year exposure. As shown in Table 4.1-12 (page 4.2-30), the results demonstrate that exposure from project operation would result in cancer risk of less than the 10 in 1 million threshold and less than the Chronic Hazard Index significance threshold of less than 1. Impacts were determined to be less than significant. Please refer to Responses to Comments 05-27 and I53-1.

- The comment references the Executive Summary and argues the DEIR did not evaluate operational air quality impacts. In response, Table ES.5-1 in the Executive Summary only identifies impacts determined to be potentially significant without mitigation. A complete analysis of potential impacts due to construction and operation of the project is provided in Section 4.2, Air Quality, of the DEIR, with the Air Quality and Greenhouse Gas Emissions Technical Report provided as Appendix B of the DEIR. Operational impacts were determined to be less than significant with no mitigation required.
- The commenter states health effects within the nearby Airport community were not evaluated in the DEIR. In response, the DEIR thoroughly examined all direct and indirect impacts within the Airport community in various sections, including Section 4.2, Air Quality; Section 4.8, Hazards and Hazardous Materials; and Section 4.11, Noise. All identified impacts are determined to be less than significant or could be reduced to less than significant with mitigation measures. Please see Thematic Response 4 and Response to Comment 05-5 for more information on public health concerns.

Comment Letter 156

Robert Dmohowski

From: funjewels4u@cox.net funjewels4u@cox.net < funjewels4u@cox.net >

Sent: Friday, December 29, 2023 3:22 PM

To: Robert Dmohowski

Cc: oceansidespeaksout@gmail.com; randyjhanson19@gmail.com;

rawketgaming@gmail.com

Subject: Eddy Jones Project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

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Mr. Dmohowski,

We are emailing you to let you know once again that we, the residents of 3281 Toopal Dr Oceanside, Ca (Randy, Mary & Robert Hanson and Johnathan Peterson), are wanting you to reject/deny the Eddy Jones Project!

This Project will have a very negative impact on all of Oceanside & as a resident since 2004 we had/have a plan for larger industry to be built in the middle of Oceanisde, away from our main flows of traffic (76, 78 & 5 Fwy), away from the ocean & rivers (which this is right next to a river that will flow into our ocean.

This project will negatively impact, traffic flow (not just in our neighborhood but the 76 & 5), a fire that will clog up even more so that residents can't leave in a timely safe matter, bring more noise (we already get traffic noise from the 76 & airport and then valley noise), and emissions/pollutions/toxins that will affect our wildlife & us.

We are building a beautiful hotel/waterpark and you want to bring a big industry in? It just doesn't go together & so with all of this in mind (trust me we could go on & on) we want to have the Eddy Jones Project stopped, so please deny/reject this project!

Thank You for your time and again please consider our request!

Sincerely,

Randy Hanson Mary Hanson Robert Hanson Johnathan Peterson 3281 Toopal Dr Oceanside, Ca 92058 156-4

156-1

Response to Comment Letter 156

The Hansons and Jonathan Peterson December 29, 2023

- The commenters state they all reside in Oceanside and are opposed to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenters state the project will have a negative impact on Oceanside and that they support industrial uses in the center of the City and not proximate to major freeways, rivers, or the ocean. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment states the project would impact traffic on local freeways and evacuation in the event of wildfire and would result in more noise and air pollutants, which will affect local residents and wildlife. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenters provide an opinion that a hotel and waterpark are not compatible with an industrial project and urge the City to deny the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

Comment Letter 157

Robert Dmohowski

From: Mikhael Madello <mikhaelmadello@gmail.com>

Sent: Friday, December 29, 2023 4:16 PM

To: Robert Dmohowski

Cc: oceansidespeaksout@gmail.com

Subject: DEIR Public Comment

Follow Up Flag: Flag Status:

Follow up Flagged

Categories:

Red Category

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Alternative Impacts Analysis of Eddie Jones Project: DEIR concerns from Airport Community Resident

"The Eddie Jones Warehouse, Manufacturing & Distribution Facility Project would not result in any significant and unavoidable impacts...The proposed project would result in no or less-than-significant impacts to the following: aesthetics, energy, greenhouse gases, hazards and hazardous material, hydrology and water quality, land use and planning, population and housing, public services, recreation, utilities and service systems, and wildfire." (8.2)

157-1

NOTE: In this "alternative impacts analysis," I will limit the scope to emergency ingress/egress-focusing on traffic and fire- and land use and planning, focusing on land use and the vision of the City of Oceanside (particularly how the project will affect recreational activities such as biking, walking, and skate-boarding).

1. Emergency Ingress/Egress: Community Facilities Element of General Plan (4.13

- Oceanside's General Plan states that the Fire Department Facilities Objective is to "protect the health, safety, and welfare of Oceanside's residents and property through the provision of adequate fire protection and emergency medical services to all residences, businesses, and public facilities within the City." (4.10-47)
- "The proposed project would not require the full closure of any public or private streets or roadways during construction or operations and would not impede access of emergency vehicles to the project or any surrounding areas." (4.14-9)

157-2

- Consistency Analysis states (4.18 Wildfire) that "the potential for emergencies related to natural
 disasters, hazardous materials, and wildfire to occur within the project site would be less than
 significant" and finds that the project would be in conformance with this objective. What about
 the surrounding residences?
- Impacts Analysis (4.13.4) acknowledges that "as the total number of occupants at the site
 increases, so does vehicle traffic. The anticipated employee vehicles [590] and commercial
 delivery trucks at the site would add to the overall amount of traffic flow, resulting in a potential
 increase in traffic collisions and a consequent additional demand on emergency services."
- The standards for OFD facilities in the Community Facilities Element of the General Plan "strives
 to maintain a 5-minute response time from fire stations to all developed areas within the City
 (4.13-1).

INCOMPLETE ANALYSIS:

Impacts Analysis is limited to the site itself; it completely ignores the traffic impact on emergency ingress/egress and increased response time to surrounding residences.

Consistency Analysis is faulty, incomplete, and untrue. While the OFD Station 7 would certainly be able to reach the Eddie Jones site in time (2 minutes), the analysis fails to consider that many residents (especially those in the community's northernmost culdesac, which abuts Camp Pendleton and which was the site of a fire in June 2022) would not be able to be reached with even a minor delay due to increased traffic from Eddie Joes project which DIRECTLY impacts traffic on the <u>only two roads (Benet and Foussat) in and out of the community</u>. Moreover, impact fees will not improve traffic on these roads, nor will the adoption of a Voluntary Employer Commute Program (4.10-32) (Will semi-trucks on Benet Road carpool?)

Example: The average drive time (no traffic, following speed limit, with timer started abeam station 7) to Rimhurst Court (site of 2022 fire) is 7 minutes 15 seconds via the shortest route (Foussat Road). Drive time via Benet Road is even longer.

Moreover, the culdesacs abutting Pendleton are at extreme fire risk (the site itself is located in a Very High Fire Severity Zone, 6.4-17) due to dense brush/vegetation in the canyon abutting these residences. The risk is compounded by the fact that there are no roads on the Pendleton side to access these properties. The authors of the DEIR note that "the project site does not include topography or slope variations that would create unusual weather conditions, such as high wind velocities, that would lead to increased fire risk." (4-17.2) While that may be true of the site itself, the authors do not consider the topography of the surrounding neighborhood or the egress of its residents in the case of another quickly-spreading canyon fire.

157-2 Cont.

157-3

2

Page 2 of 5 in Comment Letter I57

CONCLUSION:

The project is NOT IN CONFORMANCE with the Fire Department Facilities Objective and the Community Facilities Element of the General Plan. The project creates an unacceptable risk to residents in case of a fire, other natural disaster or medical emergency. Our home (and neighboring residences) is already outside the 5-minute goal of emergency responder access.

157-3 Cont.

Paying impact fees (4.13-7) and/or requiring the implementation of a "<u>Voluntary</u> Employer Commute Program in order to reduce vehicle trips to and from the site" (4.10-58) WILL NOT fix the traffic problem. First, the program is VOLUNTARY, so there is no way to know how many (if any) employees will carpool. Second. the site is not near a bus or train stop, so very few employees are likely to use public transit. Third, the Impacts Analysis fails to address the very significant increase in traffic of commercial trucks on Benet Road. (The commercial trucks will not carpool, obviously, so that does not help ameliorate traffic on Benet Road. Also, semi-trucks ad tractor trailers create more traffic than standard vehicles.) The developer states that Foussat Road will be used for 590 employee vehicles-that is on top of the increased traffic of the adjacent massive Ocean Kamp project.

157-4

City Vision/Recreation Land Use: Circulation Element/Recreational Trails Element/Bicycle & Pedestrian Plans

- The City's General Plan (Circulation Element) aims to create a "multimodal transportation system
 that creates a balance with preserving community values and maintaining public acceptance."
 (4.14-5) What are Oceanside's community values? Are they the same as they were when the
 land was designated as Industrial, decades ago?
- "The goal of the Pedestrian Master Plan is to improve safety, walkability, connectivity, accessibility, alternative transportation, neighborhood quality and funding" and relies on "community input." (4.15-5)
- SB 375 seeks to preserve open space and create communities, all with transportation choices to reduce greenhouse gas emissions" (4.10-2)

157-5

- "Alex Road from Foussat Road to the westerly culdesac terminus does not have sidewalks on
 either side of the roadway. Existing and future project access will be from this culdesac...a
 sidewalk will be constructed from the project access on Alex Road north to the San Luis Rey River
 Trail (approximately 50 feet)... A sidewalk will be constructed along the project frontage on Benet
 Road from Eddie Jones Way north to the San Luis Rey River access path (approximately 600 feet."
 (4.14-6,7)
- "The proposed sidewalk improvements would be consistent with the General Plan Circulation Element goal of providing alternative modes of transportation to reduce the dependence on automobiles." (4.14-7)

3

Page 3 of 5 in Comment Letter 157

The Impacts Analysis concludes that the project is in conformance with Policy 1.11B ("land use
will contribute to the proper balance of land uses within the community or provide a significant
benefit to the community" (4.10-14); 1.12 Land Use Compatibility Objective ("to minimize
conflicts with adjacent or related land use" (4.10-14); and Policy 1.12 B ("The use of land shall not
create negative visual impacts to surrounding land uses (4.10-15).

157-5 Cont.

INCOMPLETE ANALYSIS:

The project is NOT IN CONFORMANCE with the City's General Plan regarding Land Useparticularly as it applies to the Recreational Trails and Circulation Elements.

Oceanside today is not the Oceanside of 50 years ago; the updates to the General Plan over the past 10-15 years reflect this reality. The General Plan now includes both a Bicycle Plan and Pedestrian Master Plan that emphasize safety. The San Luis Bike trail runs adjacent to the site (and the Prince Skate Park) all the way to the beach. It is a popular trail frequented by families with children in the neighborhood and surrounding areas. The project would NOT provide a significant to the community.

157-6

The Impacts Analysis regarding land use (and in particular regarding the Circulation Element) is flawed. The "proposed improvements would also provide increased walkability, connectivity, and accessibility consistent with the goals of the City's Pedestrian Master Plan." (4.10-40) This is simply not true. In reality, the traffic, pollution, and noise generated from the project would make residents and visitors less (not more) likely to walk in the neighborhood. The project would have a significant negative effect on recreation in the community.

The Impacts Analysis concludes that the project is in conformance with the goal of Pedestrian Facilities (to "develop and maintain a safe pedestrian network that is free of barriers and hazards..." (4.10-41). Even with proper signage and new sidewalks, the sheer number of vehicles (commercial semi-trucks and employee vehicles) would make the neighborhood less safe. The project would increase the risk to pedestrians, cyclists, and skateboarders because of the increase in traffic; the authors acknowledge that Benet/76 in particular is already a failing intersection. Moreover, commercial trucks have poor visibility and blind spots; there is an increased risk of someone getting hit.

157-7

Moreover, the authors state that the project is in conformance with Goal 4 Objectives i ("support projects, improvements, and programs that promote a safer pedestrian walking environment"), ii ("encourage development patterns that promote walking and increase connectivity"), and iv ("promote accessibility and mobility for all people including children, disabled, and the elderly"). 4.10-42. For the aforementioned reasons, the Eddie Jones project is NOT in conformance with Goal 4.

4

Page 4 of 5 in Comment Letter I57

In addition to the negative impact the project would have on pedestrians and cyclists, it would also be detrimental to Prince Skate Park (a popular skate park located off of Alex Road which provides recreation for people of all ages and abilities, from children to professional skaters). Because of its location, the skate park will be directly impacted by both Ocean Kamp and Eddie Jones developments. The Land Use Element "provides direction related to how future development would occur, such as the *intensity/density and character of new development*." (4.10-4). OceanKamp begins development in 2024 and is located in the same Airport Community. How many projects can one community support?

157-8 157-9

The Land Use Element of the General Plan ensures the "enhancement of long-term community and neighborhood values through effective use planning" (4.10-12). The Eddie Jones project would not enhance the community and neighborhood values and therefore would NOT be in conformance with the City's General Plan.

157-10

Response to Comment Letter 157

Mikhael Madello December 29, 2023

- 157-1 The commenter quotes information from Chapter 8, Alternatives, and provides an introductory comment for comments that follow. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 157-2 The comment focuses on emergency entrance/exit, quoting multiple sections of the DEIR to highlight concerns and considerations related to this aspect of the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment addresses the scope of the project's CEQA analysis and the author's arguments regarding the project's emergency access and fire department response times. Please see Response to Comment O12-5 regarding the scope of analysis required for projects under CEQA, and thematic Response 1, which addresses emergency evacuation in the event of a wildfire or other emergency. The analysis of wildfire included in Sections 4.8 and 4.17 addresses the potential for the project, either during construction or operation, to impair implementation of emergency response or evacuation plans or to result in CEQA impacts due to wildfire. As the analysis demonstrates, project impacts were determined to be less than significant.

In terms of response times in the event of a fire, the DEIR notes on page 4.13-6 that the closest fire station to the project site is Station 7, located approximately 0.7 miles southeast, while Station 3 is located approximately 1.75 miles southeast of the project site. A Fire Response Technical Memorandum prepared for the project states that responders from Station 7 can arrive at the project's entrances in less than 2 minutes and can reach all portions of the project in under 3 minutes (4 to 5 minutes total response time). Therefore, the project is consistent with the General Plan's goal regarding fire department response times.

- The comment offers a number of opinions regarding the traffic-related analysis and mitigation measure as well as the project condition related to level of service (LOS) and fair share contributions. In response, please refer to Responses to Comments A3, O3-12, O5-17, and O12-20 for further analysis.
- The comment includes quotes from the DEIR relating to compliance with goals set forth in City planning documents regarding the alignment of the project with the City's vision for land use and circulation, particularly focusing on preserving community values and enhancing pedestrian access. The comment offers only a single-sentence conclusion that the project is not consistent with the Recreation, Trails, and Circulation Element of the General Plan. The DEIR and the project materials demonstrate that, from a CEQA perspective, the project will not have a significant adverse impact as it relates to consistency with the General Plan. No further response is required.
- The comment notes the City has updated its General Plan over the years and has prepared both pedestrian and bicycle Master Plans; it further notes the adjacent San Luis Rey River bicycle trail and skate park and goes on to state an opinion that the project would not be an asset to the community. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- 157-7 The comment disputes that the project is consistent with the City's pedestrian Master Plan and with General Plan goals related to pedestrians. Section 4.10, Land Use and Planning, of the DEIR analyzes the project's consistency with applicable General Plan policies in Table 4.10-1. As noted in the DEIR, the project proposes to extend sidewalks to connect to the existing sidewalks in the area, including a connection to the San Luis Rey River Trail consistent with the General Plan and pedestrian Master Plan. Both of these plans call for providing pedestrian access along streets, which is what the project is proposing. The project does not include any elements that would create hazards or barriers to pedestrians in the area or to employees or visitors to the project site, consistent with the General Plan. In regard to General Plan Goal 4, as stated on page 4.10-42 of the DEIR, "sidewalk improvements in the public right-of-way would be built in compliance with the Americans with Disabilities Act (ADA) and would not be designed in such a way to prevent access from handicapped, elderly, or impaired persons; to the extent feasible for an industrial development. The meaning of 'Universal Access' in this context means 'access for all ages or persons with disabilities.' The sidewalk improvements proposed as part of the project would provide access for all ages or persons with disabilities." This demonstrates the project's commitment to enhancing pedestrian access and aligning with established transportation plans, ensuring efficient and safe movement of people in the area. Please see Response to Comment 157-5 regarding determining consistency with applicable plans.
- 157-8 The comment states the project would negatively impact pedestrians, cyclists, and the Prince Skate Park due to its location proximate to the skate park. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment notes that the City also approved the Ocean Kamp project. The Ocean Kamp approval is one of the cumulative projects evaluated in the DEIR. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- **I57-10** The comment states the project would not enhance community and neighborhood values and is not in conformance with the City's General Plan. Please see Responses to Comments I57-5 and I57-7.

Comment Letter I58

DEIR Comments Section 4.2 Air Quality

In general this section of the DEIR is lacking in meaningful factual information and detailed analysis.

The fact is the particulate matter produced by diesel exhaust is harmful to humans.

Reference: California Air Resource Board (CARB) document "Summary: Diesel Particulate Matter Health Impacts"

"Diesel engines emit a complex mixture of pollutants, including very small carbon particles, or "soot" coated with numerous organic compounds, known as diesel particulate matter (PM). Diesel exhaust also contains more than 40 cancer-causing substances, most of which are readily adsorbed onto the soot particles. In 1998, California identified diesel PM as a toxic air contaminant (TAC) based on its potential to cause cancer. Other agencies, such as the National Toxicology Program, the U.S. Environmental Protection Agency and the National Institute of Occupational Safety and Health, concluded that exposure to diesel exhaust likely causes cancer. The most recent assessment (2012) came from the World Health Organization's International Agency for Research on Cancer (IARC). IARC's extensive literature review led to the conclusion that diesel engine exhaust is "carcinogenic to humans," thereby substantiating and further strengthening California's earlier TAC determination."

Additionally:

"Diesel engine emissions are believed to be responsible for about 70% of California's estimated known cancer risk attributable to toxic air contaminants. Also, diesel PM comprises about 8% of outdoor fine particulate matter (PM2.5), which is a known health hazard. As a significant fraction of PM2.5, diesel PM contributes to numerous health impacts that have been attributed to particulate matter exposure, including increased hospital admissions, particularly for heart disease, but also for respiratory illnesses, and even premature death. ARB estimates that diesel PM contributes to approximately 1,400 (95% confidence interval: 1,100-1,800) premature deaths from cardiovascular disease annually in California. Additionally, exposure to diesel exhaust may contribute to the onset of new allergies; a clinical study of human subjects has shown that diesel exhaust particles, in combination with potential allergens, may actually be able to produce new allergies that did not exist previously.

Several factors exacerbate the health risks of diesel PM exposure:

- · Diesel PM is often emitted close to people so high exposures occur
- · Diesel PM is in a size range that readily deposits in the lung
- Diesel PM contains compounds known to damage DNA and cause cancer"

Studies have concluded that introducing a significant number of diesel trucks within close proximity to residential housing will have a negative health impact. (Ref: Storing Harm: the Health and Community Impacts of Goods Movement Warehousing and Logistics - The Impact Project Policy Brief Series Jan 2012)

Air Quality Monitoring Data (Page 103 of DEIR)

"Local ambient air quality is monitored by SDAPCD. SDAPCD operates a network of ambient air monitoring stations throughout the County that measure ambient concentrations of pollutants and

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determine whether the ambient air quality meets the CAAQS and the NAAQS. The nearest SDAPCD-operated monitoring station is the Camp Pendleton monitoring station. This site was used to show the background ambient air quality for O3 and NO2. The closest monitoring site that measures CO, SO2, PM10, and PM2.5 is the First Street – El Cajon monitoring station located at 533 First Street, El Cajon"

Why was the data collected from El Cajon (utilized when AQS Site 06-073-1008 (Camp Pendleton)) has the same monitoring capabilities? The distance between the two sites is significant and therefore the data would surely be under different meteorological conditions.

Climate and Topography (page 93 of DEIR)

"Climate within the SDAB area often varies dramatically over short geographical distances, with cooler temperatures on the western coast gradually warming to the east as prevailing winds from the west heats up. Most of Southern California is dominated by high-pressure systems for much of the year, which keeps San Diego County (County) mostly sunny and warm. Typically, during the winter months, the high-pressure system drops to the south and brings cooler, moister weather from the north. It is common for inversion layers to develop within high-pressure areas, which mostly define pressure patterns over the SDAB. These inversions are caused when a thin layer of atmosphere increases in temperature with height. An inversion acts like a lid preventing vertical mixing of air through convective overturning.

The topography in the San Diego region varies greatly, from beaches on the west to mountains and desert on the east; along with local weather, it influences the dispersal and movement of pollutants in the SDAB. The mountains to the east prevent dispersal of pollutants in that direction and help trap them in inversion layers."

Where is the analysis of the actual conditions around the proposed site?

The meteorological data is available from the Oceanside Municipal Airport weather collection system. A simple "wind-rose" depiction of the wind and analysis would show the trajectory of the various airborne pollutants. There was no analysis of the various wind conditions that occur such as, "Santa Ana" winds, inversion conditions or when the air is calm. Airborne pollutants would be concentrated during inversion periods and calm conditions around the airport, the skate park, Ocean Kamp and the surrounding community.

Affects on the Airport Community: Pollution Burden

Reference: The California Office of Environmental Health Hazard Assessment, on behalf of the California Environmental Protection Agency, has created the CalEnviroScreen 4.0 website (https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40) to be used to help identify communities disproportionately burdened by multiple sources of pollution and with population characteristics that make them more sensitive to pollution.

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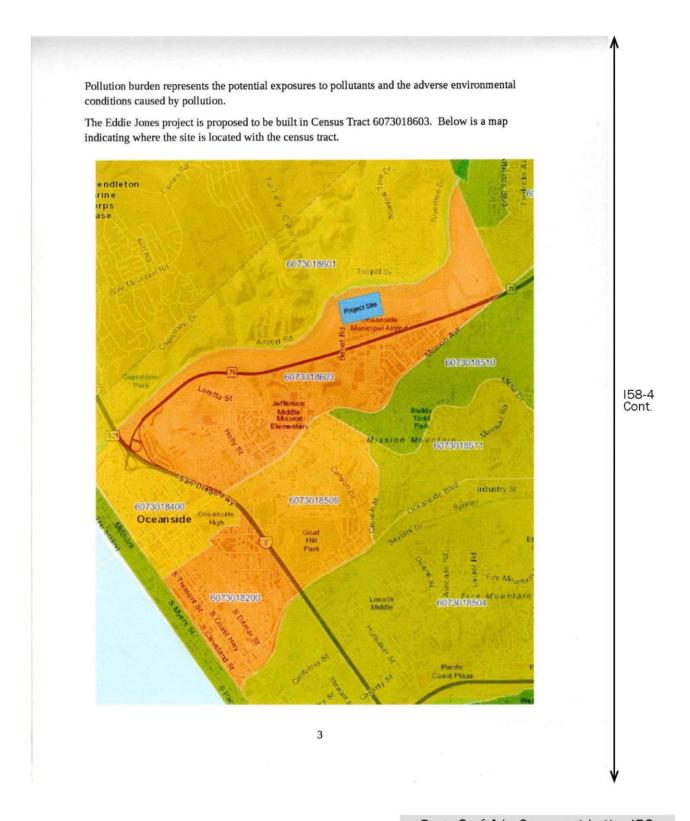
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Cont.



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The orange color indicates the tract has a Pollution Burden Percentile of 71 relative to other census tracts (range can be from 0 to 100). That is, 71% of Californians are exposed to less pollution than those of us living in this area.

Note, these figures are based on current conditions and WITHOUT the project being built. With the introduction of numerous tractor trailers into the area, children, the elderly, and people suffering from heart or lung disease, asthma, or other chronic illness will be exposed to greater amounts of particle matter pollution (PM2.5).

Cumulative Impact of Area Projects

Absent from the report is the impact on traffic caused by the proposed project at 555 Airport Road (Project #ADP21-00006) that is comprised of 4 warehouse buildings. It is reported that this project will generate an additional 25 vehicle trips per day. Airport road is a two lane road therefore it is anticipated the associated tractor trailer traffic will either enter and/or exit via Benet Road. The impact of the project needs to be included in the overall affect on traffic.

Conclusions from faulty or missing information

Throughout this report it was been stated the tenet is not known. Therefore the hours and intensity of operations in unknown as well as actual utilization. The percentages of warehouse, distribution and manufacturing categories has evolved over time. The results benefited the estimated vehicle trips generated and their environmental impacts. All this with not knowing who or how the building will be utilized. Poor assumptions will lead to poor outcomes. Unfortunately the potential outcomes of this project will have long lasting consequences.

Relying of <u>volunteer</u> car pooling by employees as a mitigation plan is not something that is executable when the occupants/employees are unknown.

Respectfully Submitted,

Dave Keck Oceanside Resident 158-4 Cont.

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Response to Comment Letter I58

Dave Keck December 29, 2023

- The commenter states that the air quality section of the DEIR lacks thorough analysis, citing the California Air Resources Board (CARB) document Summary: Diesel Particulate Matter Health Impacts, which highlights the negative health impacts of diesel particulate matter (PM) exposure. However, the comment does not provide any specific comments regarding the adequacy of the DEIR, and thus, no further response is needed.
- The comment asserts that different meteorological conditions apply to two air quality monitoring stations. Please refer to Response to Comment 09-61 for further information.
- The commenter questions the air quality analysis methodology as it relates to climate and topography at the project site. In response, the local climate and topography within the project area is discussed within Section 2.2, Regional Setting, of the DEIR. Additionally, Section 4.2 of the DEIR thoroughly examines the project's potential to expose sensitive receptors to significant pollutant concentrations, including criteria air pollutants like carbon monoxide (CO), diesel particulate matter (DPM), volatile organic chemicals (VOCs), oxides of nitrogen (NOx), fine particulate matter (PM10), and coarse particulate matter (PM2.5) during both construction and operational phases. It specifically evaluates emissions from heavy equipment and trucks, providing a detailed health risk assessment for nearby residential receptors and ensuring a comprehensive understanding of air quality impacts.

As described in the DEIR Health Risk Assessment, the latest 3-year meteorological data (2010–2012) for the Camp Pendleton Station were obtained from the San Diego Air Pollution Control District (SDAPCD), as the recommended meteorological station, and input to AERMOD for modeling impacts to nearby sensitive receptors. The 3-year meteorological data set is used to encompass and analyze the many varying meteorological conditions that may occur at the site. The DEIR determined that impacts to air quality would be less than significant with Mitigation Measure (MM)-AQ-1 incorporated. Please refer to Response to Comment 09-61 for further information.

The commenter raises concerns about pollution in the proposed project area. They provided an image showing that residents outside the census tract where the project is situated are exposed to significantly less pollution (71%) compared to those within the tract. This data represents conditions before the project's construction.

Neither the City, SDAPCD, or the CEQA Guidelines include thresholds that consider CalEnviroScreen results, but rather account for the potential health effects of a project with project-level thresholds. While EnviroScreen is useful for assessing a community's risk, it is not an appropriate or credible tool for evaluating a project's impact on the environment as required under CEQA. An air quality emissions impact analysis and construction and operation health risk assessments were prepared for the project and incorporated into the DEIR (as described in Section 4.2 of the DEIR). Within the SDAPCD jurisdiction, a project's localized impacts (i.e., impacts to nearby sensitive receptors) were also evaluated using SDAPCD air quality significance thresholds developed in response to environmental justice and health concerns raised by the general public regarding exposure of individuals to criteria pollutants in local communities.

Please refer to Section 4.2 of the DEIR, which analyzes air quality related to project construction and operation. The DEIR determined that impacts to air quality would be less than significant with MM-AQ-1 incorporated. Additionally, please refer to Response to Comment 05-5.

- The commenter asserts that the DEIR should have analyzed a four-warehouse project at 555 Airport Road, which would generate 25 vehicle trips per day. The project at 555 Airport Road was included and analyzed in the Local Transportation Study (Appendix I of the DEIR) as Cumulative Project No. 2 (see page 24 and 27 of Appendix I), with a cumulative trip generation of 160 vehicles per day. It is expected that traffic reports fully analyzing project-specific impacts on site and within their respective study areas would be prepared for all cumulative projects, consistent with City guidelines. These reports would be expected to provide mitigation measures, design features, or improvements recommendations to address any potentially significant impacts. Furthermore, all cumulative projects would be required to comply with applicable City regulations related to transportation and circulation, as the proposed project does. Please refer to Response to Comment 160-57. The cumulative project list included in Chapter 6 of the DEIR was compiled and provided by the City for use in the DEIR analysis prior to the DEIR's release for public review.
- The commenter argues the report lacks information regarding the tenant, operational hours, and building usage, which could lead to poor outcomes for the project. They express concern about the reliance on volunteer carpooling as a mitigation plan without knowing details about the occupants. In response, please refer to Response to Comment 09-35.

Comment Letter I59

Robert Dmohowski

From: Celerina L Cornett <ccornett@AD.UCSD.EDU>

Sent: Friday, December 29, 2023 1:38 PM

To: Robert Dmohowski

Subject: RE: Extension of Notice of Availability - Draft EIR Eddie Jones Industrial Project

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

Warning: External Source

Hello Mr. Robert Dmohowski,

Thank you for the opportunity to respond to the Eddies Jones Industrial Project. My name is Celerina Cornett, I am a resident at 570 Toota Ct, Oceanside, Ca 92058. I have lived in this home for almost 20 years. I am a 24 year retired military officer from the U.S. Navy. I was born in Southern California and grew up enjoying the coastal community of Oceanside.

I would like to express my concern about the proposed warehouse project on 250 Eddy Jones Way. The proposed project includes 114 semi-truck bays, 60 semi-truck parking spots, and over 500 auto parking spots (this was recently reduced by the developer, however, I greatly oppose any warehouse that will have semi-truck bays and parking spots).

The community north of the San Luis Rey River includes thousands of homes. The residents that live here are limited to only two roads for ingress and egress. These two roads are Foussat Rd and Benet Rd. Most everyone is aware of the Ocean Kamp project and the traffic congestion this will have on Foussat Rd. The congestion on Foussat Rd. will cause many of the residents to utilize Benet Rd.

The Eddy Jones Warehouse project would have a negative impact on the community. Our homes share a border to the north with brush terrain. During the hot and dry seasons, these areas are <u>prone to wildfires</u>. A fire in the brush terrain is not easily extinguished since traditional firefighting equipment cannot be used on the steep slopes and ridges.

We recently had a 75 acre brush fire where Oceanside Police asked the residents to evacuate the area. The chaos this evacuation caused to the neighborhood was overwhelming. We had fire engines and police entering on one side and worried families evacuating with their kids and animals on the other side. Thank goodness the damage was mild. But just imagine if the fire was larger, with windy conditions and a rapid spread of the fire caused an emergency evacuation. If the Eddy Jones Warehouse is approved, it will add 100 big rig trucks trying to depart a warehouse while residents are also trying escape to safety. This obviously would create a chokehold, where our residents in the community that could not escape fast enough could possibly perish..

Not only would this proposed project create extreme safety hazards for residents during fire and an emergency evacuation, it also threatens the safety for pedestrians and bicyclist on Benet Rd. Benet Rd is a <u>designated bike lane</u>. Anyone with common sense can predict that the increased traffic of "big rig" trucks entering and exiting on Benet Rd and Eddy Jones Way is a fatality waiting to happen.

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I am asking for all of you to place <u>safety</u> for the citizens of Oceanside as your top priority and <u>not approve</u> the 250 Eddy Jones Warehouse Project.

Thank you for your time.

Kind Regards,

Celerina

Celerina L. Cornett, MPH, MAS

Director, Healthcare Education 8950 Villa La Jolla Dr., Suite A 124, La Jolla, Ca

■ Phone: (858) 822-5608 ccornett@ucsd.edu

* Website: extension.ucsd.edu/healthcare



From: Robert Dmohowski < RDmohowski@oceansideca.org>

Sent: Friday, December 8, 2023 8:18 AM

To: Celerina L Cornett <ccornett@AD.UCSD.EDU>

Subject: Extension of Notice of Availablity - Draft EIR Eddie Jones Industrial Project

EXTENSION OF PUBLIC COMMENT PERIOD

NOTICE OF THE AVAILABILITY

DRAFT ENVIRONMENTAL IMPACT REPORT

EDDIE JONES WAREHOUSE, MANUFACTURING, AND DISTRIBUTION FACILITY

(SCH # 2022070365)

Dear interested party:

DRAFT EIR PUBLIC REVIEW PERIOD EXTENSION: By this notice, the City of Oceanside is announcing the extension of the public comment period which originally spanned from October 26, 2023 to December 11, 2023. **The comment period has been extended to FRIDAY, DECEMBER 29, 2023**.

Written comments should be submitted to Rob Dmohowski, Principal Planner, at the City of Oceanside, 300 N. Coast Highway, Oceanside, CA 92054, or via e-mail to rdmohowski@oceansideca.org

Following the close of the public review period, responses to comments on the Draft EIR will be prepared, and, together with the Draft EIR, will constitute the Final EIR. All written comment on the adequacy of the Draft EIR must be received by the City no later than December 29, 2023 at 4:00 p.m. Comments received after this date will be considered late and included as part of the

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159-4 Cont. administrative record. Pursuant to Section 15088(a) of the CEQA Guidelines, late comments will receive responses only at the City's discretion.



City of Oceanside

Subject:

DEVELOPMENT PLAN (D22-00001), CONDITIONAL USE PERMIT (CUP22-00001). AND VARIANCE (V22-00001); SCH NO. 2022070365. The proposed 31.79 acre project site is located at 250 Eddie Jones Way (APNs: 145-021-29, 30, & 32) in the Airport Neighborhood Planning Area. Located immediately north of the Oceanside Municipal Airport on the east side of Benet Road, the site is currently vacant and was previously developed with a 172,300 square-foot industrial manufacturing facility. The site has a General Plan land use designation of Light Industrial (LI) and a zoning designation of Limited Industrial. The Eddie Jones Warehouse, Manufacturing, and Distribution Facility Project (project) is a request for development of an approximate 566,905 square foot warehouse, manufacturing, and distribution facility that would consist of 369,415 square feet of warehouse area, 158,320 square feet of manufacturing space, and 39,170 square feet of office area designed as a single building that could support multi-tenant occupancies. Loading bays would be located on the north and south side of the building with a total of 114 truck terminals and 60 truck trailer parking stalls. A total of 590 employee and guest parking spaces would be provided around the permiter of the building. Access to the site would be maintained and improved with existing access points from Alex Road and Benet Road. The Alex Road access would be limited to passenger vehicles while heavy truck access would be limited to the Benet Road entry point.

NOTICE IS HEREBY GIVEN that the City of Oceanside has prepared a Draft Environmental Impact Report (DEIR) for the subject project. The DEIR identifies that the proposed project would result in impacts mitigated to less than significant levels related to: Air Quality, Biological Resources, Cultural Resources, Traffic and Circulation, and Tribal Cultural Resources. The City's decision to prepare a DEIR should not be construed as a recommendation of either approval or denial of this project. The DEIR public review period is from **THURSDAY**, **October 26**, **2023 – FRIDAY**, **December 29**, **2023**. The City invites members of the general public to review and comment on this environmental documentation.

Copies of the DEIR and supporting documents are available for public review and comment on the City of Oceanside website:

http://www.ci.oceanside.ca.us/government/development-services/planning/ceqa/eddie-jones-warehouse-manufacturing-and-distribution-facility-project-eir

The City of Oceanside Planning Division counter located in the Civic Center at 300 North Coast Highway, the City of Oceanside Main Library located at 330 North Coast Highway, or the City of Oceanside Mission Branch Library located at 3861-B Mission Avenue. Please direct any questions or comments regarding the DEIR to Rob Dmohowski, Principal Planner at the City of Oceanside's Planning Division, 300 North Coast Highway, Oceanside, CA, 92054, at (760) 435-3563 or by email to rdmohowski@oceansideca.org

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Rob Dmohowski, AICP Principal Planner

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Response to Comment Letter 159

Celerina Cornett December 29, 2023

- The commenter states they are a resident of Oceanside and are opposed to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment discusses the existing access roads serving the area north of the San Luis Rey River. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment raises concerns regarding wildfire risks and evacuation and describes a recent brush fire in the area. For more information on evacuation, please refer to Thematic Response 1. Sections 4.8 and 4.17 of the DEIR evaluate various factors, including emergency response plans, wildfire risks, infrastructure installation, and exposure to post-fire risks like flooding or landslides. The overall assessment demonstrates that the project would not substantially impair emergency response plans, exacerbate wildfire risks, necessitate additional infrastructure that may increase fire risk, or subject people or structures to significant post-fire risks related to fire, flooding, or landslides. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment reemphasizes wildfire safety hazards and the safety of pedestrians and cyclists on Benet Road due to the project-related increase in traffic and concludes by requesting the City not approve the project. The project would not conflict with any City programs, plans, or policies addressing pedestrian or bicycle facilities. Hazards and safety are analyzed in Sections 4.8, 4.13, 4.14, and 4.17 of the DEIR.

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Comment Letter 160

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334 Davis, CA 95618 530-304-2424 dbmooney@dcn.org

December 29, 2023

VIA EMAIL

rdmohowski@oceansideca.org

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

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

Dear Mr. Dmhowski:

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

A. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

160-2 Cont.

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

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

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

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

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

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

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mitigation measures and alternatives. Without a proper procedural foundation, a local agency cannot comply with CEQA's mandate that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. (Pub. Resources Code § 21002.)

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

1. Section 2: Environmental Setting

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

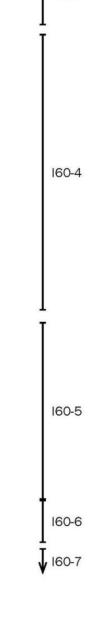
In the present matter, the DEIR failed to include the nearby wildlife preserves such as Wanis View Wildlife Preserve and the wildlife corridors in the environmental setting. Having failed to disclose or discuss the wildlife preserves and/or wildlife corridor the DEIR fails to inform the decisionmakers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

2. Section 4.2: Air Quality

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

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

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



160-3

Cont.

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

160-7 Cont

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

160-8

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

160-9

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

160-10

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

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

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

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

160-11

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

160-12

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

160-13

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

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

3. Section 4.3: Biological Resources

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

160-14

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

160-15

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

4. Section 4.5: Energy

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

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

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

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

160-15 Cont.

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160-18

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

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

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

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

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

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

160-22 Cont.

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

160-23

5. Section 4.14: Traffic & Circulation

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

160-24

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

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

160-25

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

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

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

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

160-26 Cont.

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

160-27

6. Section 4.17: Wildfire

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

160-28

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

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

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

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

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

C. Conclusion

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

Sincerely,

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

Attachments

cc: Client

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EXHIBIT A

EXHIBIT A

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TECHNICAL MEMORANDUM

Date: December 20, 2023

To: Justin Floyd

Eddie Jones GoFundMe Trust

Oceanside, California

From: Ray Kapahi RK

Tel: 916-687-8352

E-Mail: ray.kapahi@gmail.com

Subject: Review and Analysis of Project Level and Cumulative Impacts to Air Quality Related to

the Proposed Eddie Jones Warehouse, Oceanside, California

INTRODUCTION

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

There were two main objectives in preparing this analysis:

- 1. Review the DEIR for accuracy and completeness
- 2. Evaluate project level and cumulative impacts to air quality

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

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

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

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

REVIEW OF DEIR

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

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

My specific findings are as follows:

Old Version of the Emissions Model Used

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

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

Air Quality Impacts are Significant

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

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

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

160-39

Cumulative Impact Analysis is Incomplete

The DEIR concludes that since project level impacts are less than significant, then cumulative impacts would also be less than significant². This logic is flawed. Under this interpretation, the only project would significant cumulative impacts would be those that have project level significant impacts. Under this reasoning for example, 10 projects each with project level impact less than significant would insignificant cumulative impact. This is clearly false.

160-40

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

160-41

Impacts from Emissions of Toxic Air Contaminants May be Significant

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

160-42

IMPACTS TO AIR QUALITY

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

METHODOLOGY

My analysis focused on the following air pollutants.

| Air Pollutant | Maximum Mitig Construction | Applicable Air Quality Standard | | |
|---|-------------------------------|------------------------------------|------------------------------------|--|
| | Pounds/Day | Pounds/Hour | | |
| Oxides of Nitrogen (NOx) | 42.29 | 5.29 | 188 ug/m3 over 1 hour (Federal) | |
| Respirable Particulate Matter (PM10) | 10.29 | 1.28 | 50 ug/m3 over 24 hours (State) | |
| Fine Particulate Matter (PM2.5) | 5.76 0.72 | | 35 ug/m3 over 24 hours (State) | |
| Note: Hourly emissions during the c | onstruction phase equal I | bs/day divided by 8 hrs/day | | |

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¹ This is acknowledged in Section 4.2.3 of the DEIR.

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

Fur cumulative impacts, I used the emission rates provide in Table 5.1-2 of the Ocean Kamps SEIR³. The air dispersion model (AERMOD) used in the analysis has been designated as 'Preferred Model" by the Environmental protection Agency (EPA) and by the SDAPCD. A description of this model is attached. In addition to project emission rates, application of this model requires the use of hourly weather data (wind speed, wind direction, temperature, etc.). I used 3 years of hourly weather data from Camp Pendelton for the period 2019 to 2021. A total of 26,280 hours of weather data were utilized. These data were processed by SDAPCD and made available to us. The modeling area used in the analysis is shown in Figure 2.

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

FINDINGS

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

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

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

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

For the operational phase, the DEIR concludes that air quality impacts are less than significant and that cancer risk is 1.33 in a million⁴. However, these conclusions are misleading as future emissions from manufacturing and truck emissions are largely unknown.

³ Final Supplemental Environmental Impact Report. July 2022.

⁴ Table 4.2-13 Eddie Jones Warehouse DEIR October 2023.

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| CONCLUSIONS | Ţ | |
|---|-------------------------------|------|
| On the basis on my review of the DEIR and on the modeling analysis presented in this Memorandum, my conclusions are as follows. | | 0-47 |
| The emissions estimates and conclusions presented in the DEIR are of based on an outdated emissions model. | questionable as they are | 0-48 |
| Air quality impacts are significant both at a project level and cumular calculated pollutant concentration in the vicinity of the project | tively. This is based on | 0-49 |
| The analysis of cumulative impact was incomplete. Emissions from e and projects were completely ignored. | existing and future sources | 0-50 |
| Future emissions and health risks to the public remain largely unkno reliably quantify future impacts | wn and therefore difficult to | 0-51 |

5

ATTACHMENTS

Figures

Air Quality Standards

Description of AERMOD Dispersion Model

Qualifications

7068 Riverside Blvd. + Sacramento, California 95831 + O: 916.687.8352 + M: 916.806.8333 epsconsulting.org

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Figures

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Figure 1
Project Location



Source: Eddie Jones Warehouse Draft EIR

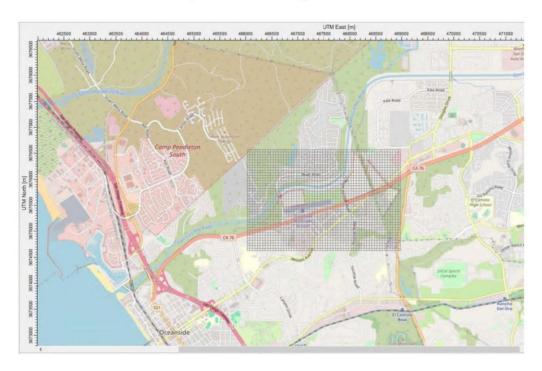
160-52

3

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Figure 2

Layout of Modeling Domain



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Figure 3

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

Areas Inside the Contour Labelled 188 exceeds the Air Quality Standard



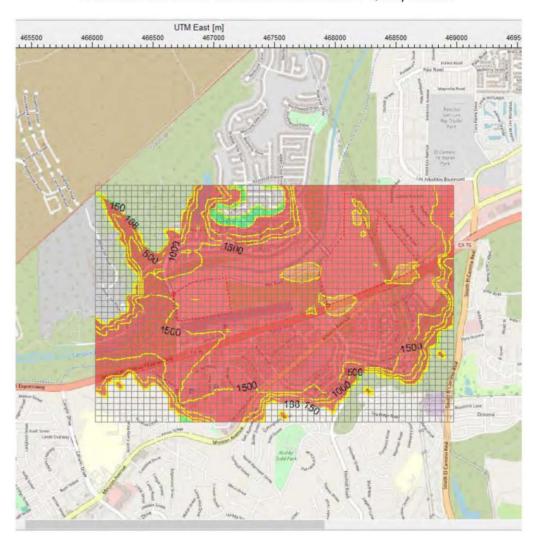
5

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Figure 4

Spatial Distribution of Cumulative 1 Hour NOx

Areas Inside the Contour Labelled 188 exceeds the Air Quality Standard



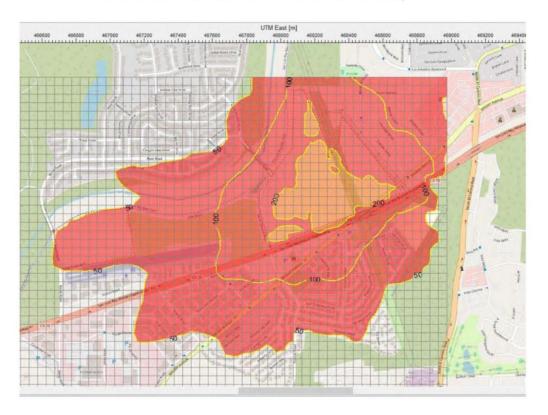
6

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Figure 5

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

Areas Inside the Contour Labelled 50 exceeds the Air Quality Standard



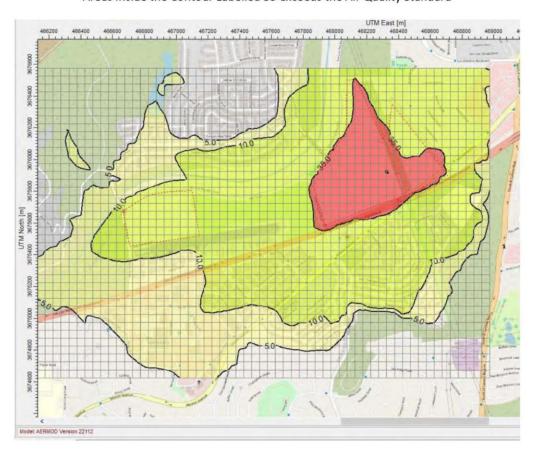
7

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Figure 6

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

Areas Inside the Contour Labelled 35 exceeds the Air Quality Standard



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Air Quality Standards

9

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| Ambient Air Quality Standards | | | | | | | | |
|---|---|------------------------------------|--|--|-----------------------------|---|--|--|
| Pollutant | Averaging California Standards ¹ | | | National Standards ² | | | | |
| | Time | Concentration ³ | Method ⁴ | Primary 3,5 | Secondary 3,6 | Method ⁷ | | |
| Ozone (O ₃) ⁸ | 1 Hour | 0.09 ppm (180 μg/m³) | Ultraviolet Photometry | 1 | Same as | Ultraviolet Photometry | | |
| | 8 Hour | 0.070 ppm (137 μg/m ³) | | 0.070 ppm (137 μg/m³) | Primary Standard | | | |
| Respirable Particulate | 24 Hour | 50 μg/m ³ | Gravimetric or | 150 μg/m ³ | Same as | Inertial Separation and Gravimetric | | |
| Matter (PM10)9 | Annual Arithmetic Mean | 20 μg/m ³ | Beta Attenuation | - | Primary Standard | Analysis | | |
| Fine Particulate | 24 Hour | - | - | 35 μg/m ³ | Same as Primary Standard | Inertial Separation and Gravimetric | | |
| Matter (PM2.5) ⁹ | Annual Arithmetic Mean | 12 μg/m³ | Gravimetric or Beta Attenuation | 12.0 μg/m ³ | 15 μg/m³ | Analysis | | |
| Carbon | 1 Hour | 20 ppm (23 mg/m ³) | Non-Dispersive Infrared Photometry (NDIR) | 35 ppm (40 mg/m ³) | - | Non-Dispersive Infrared Photometry (NDIR) | | |
| Monoxide | 8 Hour | 9.0 ppm (10 mg/m ³) | | 9 ppm (10 mg/m³) | | | | |
| (CO) | 8 Hour (Lake Tahoe) | 6 ppm (7 mg/m ³) | | Ţ | _ | | | |
| Nitrogen Dioxide | 1 Hour | 0.18 ppm (339 μg/m³) | Gas Phase | 100 ppb (188 μg/m³) | _ | Gas Phase Chemiluminescence | | |
| (NO ₂) ¹⁰ | Annual Arithmetic Mean | 0.030 ppm (57 μg/m³) | Chemiluminescence | 0.053 ppm (100 μg/m³) | Same as Primary Standard | | | |
| | 1 Hour | 0.25 ppm (655 μg/m³) | Ultraviolet Fluorescence | 75 ppb (196 μg/m³) | _ | Ultraviolet Flourescence; Spectrophotometry (Pararosaniline Method) | | |
| Sulfur Dioxide | 3 Hour | 1 | | I | 0.5 ppm (1300 μg/m³) | | | |
| (SO ₂) ¹¹ | 24 Hour | 0.04 ppm (105 μg/m ³) | | 0.14 ppm (for certain areas) ¹¹ | <u>-</u> | | | |
| | Annual Arithmetic Mean | - | | 0.030 ppm (for certain areas) ¹¹ | - | | | |
| | 30 Day Average | 1.5 μg/m ³ | | - | - | High Volume Sampler and Atomic Absorption | | |
| Lead ^{12,13} | Calendar Quarter | I | Atomic Absorption | 1.5 μg/m ³ (for certain areas) ¹² | Same as | | | |
| | Rolling 3-Month Average | - | | 0.15 μg/m ³ | Primary Standard | | | |
| Visibility Reducing Particles ¹⁴ | 8 Hour | See footnote 14 | Beta Attenuation and Transmittance through Filter Tape | No National Standards | | | | |
| Sulfates | 24 Hour | 25 μg/m³ | Ion Chromatography | | | | | |
| Hydrogen Sulfide | 1 Hour | 0.03 ppm (42 μg/m³) | Ultraviolet Fluorescence | | | | | |
| Vinyl Chloride ¹² | 24 Hour | 0.01 ppm (26 μg/m³) | Gas Chromatography | | | | | |
| See footnotes of | on next page | | | | | | | |

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For more information please call ARB-PIO at (916) 322-2990

California Air Resources Board (5/4/16)

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- California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and
 particulate matter (PM10, PM2.5, and visibility reducing particles), are values that are not to be exceeded. All others are not to be
 equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the
 California Code of Regulations.
- 2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
- 3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
- 5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
- 8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- 9. On December 14, 2012, the national annual PM2.5 primary standard was lowered from 15 μg/m³ to 12.0 μg/m³. The existing national 24-hour PM2.5 standards (primary and secondary) were retained at 35 μg/m³, as was the annual secondary standard of 15 μg/m³. The existing 24-hour PM10 standards (primary and secondary) of 150 μg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- 10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- 11. On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
 - Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- 12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- 13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- 14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

For more information please call ARB-PIO at (916) 322-2990

California Air Resources Board (5/4/16)

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Description of AERMOD 160-54 10

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AERMOD VIEW GAUSSIAN PLUME AIRE DISPENSION MODELS

Model Descriptions

AERMOD

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

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

ST3

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

The ST3 model accounts for:

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

PRIME

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

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

Leading Air Dispersion Models Under One Interface

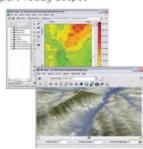
AERMOD View is a complete and powerful air dispersion modeling package which seamlessly incorporates the popular U.S. EPA models into one interface: AERMOD, ST3, and PRIME. These models are used extensively to assess pollution concentration and deposition from a wide variety of sources.



AERMOD View Tools

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

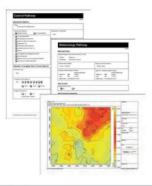
- Data entry in Metric and English units
 Imports a variety of base map
- formats
- Supports the major digital terrain formats
- Powerful 3D visualization
- Building downwash analysis
- Meteorological pre-processing
- Automatic contouring of results
- Rapid model comparisons
- Report-ready output



Impressive Report-Ready Output

AERMOD View lets you impress with integrated report generation.

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



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Digital Terrain Data

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

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

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

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

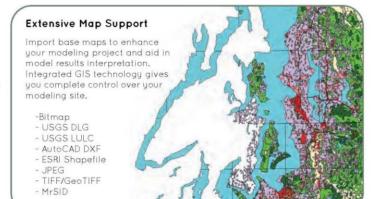
Terrain grid files for deposition analysis can be automatically created from digital terrain files.

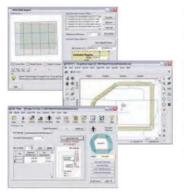
Building Downwash

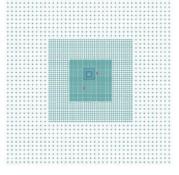
Buildings can radically influence the dispersion of pollutants. AERMOD View provides all the necessary tools to effectively and quickly complete your building downwash analysis.

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









Graphical Input

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

Automatically eliminate receptors inside the facility property line.

Receptors (unlimited)

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

Sources (unlimited)

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

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AERMOD VIEW

PROFESSIONAL VISUALIZATION & ADVANCED TOOLS TO BOOST YOUR PRODUCTIVITY

High-Impact 3D Visualization

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

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

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

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

Custom Textures

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

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

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

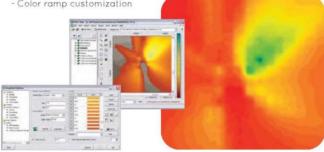


Integrated Contouring

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

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

- Color ramp customization



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Export Options

- Bitmaps

- ESRI Shapefiles

- Enhanced Metafiles

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Multiple Chemicals

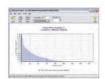
The Multi-Chemical Run utility will boost your productivity drastically when analyzing the contributions of each pollutant from sources emitting multiple chemicals.

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

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

Percent View

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



Risk Assessment Projects

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

Quickly generate the files required for ACE2588 risk assessment model.

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AERMOD Batcher T

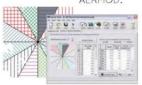
he AERMOD Batcher is designed to let you easily perform multiple modeling runs. Simply specify the input files for the projects you wish to run, click Run and AERMOD Batcher will run all your projects. This is ideal for large modeling runs, which is often required for risk assessment projects.



Meteorological Tools

Aermet View

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



Rammet View

Rammet View is the meteorological preprocessor that prepares data for use with the ST3 and PRIME models. Rammet View includes a set of tools

which allow conversion of your own met data into the required format.



WRPLOT View

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



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Qualifications 160-54 Cont. 11

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Statement of Qualifications Environmental Permitting Specialists (EPS)

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

Practice Areas

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

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

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

Contact:

Ray Kapahi

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Phone: 916-806-8333

Web-Site: https://www.epsconsulting.org/

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Ray Kapahi Senior Air Quality Consulting Engineer



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Office: 916.687.8352 Mobile: 916.806.8333

Practice Areas

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

Industries

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

Education and Training

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

News

- Presentation "Numerical Modeling of Landfill Gas and Odors" 33rd International Conference on Solid Waste Technology and Management. March 11 to 14, 2018, Annapolis, MD.
- Presentation "Integrated Approach to Effective Odor Control at Landfills and Composting Facilities" Wastecon 2016, Indianapolis. IN.

EXPERIENCE

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

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

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

REPRESENTATIVE PROJECTS

Air Quality Modeling and Permitting

- Permitting of a Powdered Milk Plant (Turlock, CA)
 Evaluate emissions of various air pollutants from the proposed 30 million gallons per year mild processing/drying facility. Demonstrate compliance with local and state air quality regulations, including regulation of toxic air pollutants.
- Permit Revisions for an Existing Fruit Dehydration Facility (Yuba City, CA)

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

- Permitting of a Waste to Energy Plant (Fort Irwin, CA) Quantify emissions from a proposed 34 tons per day solid waste to energy project. Analyze emissions associated with pyrolysis and subsequent utilization of synthetic gas to generate 1.5 MW of electric power. Prepare the necessary permit applications and supporting documentation.
- Permitting of a CBD Oil Extraction Facility (Mendota, CA)
 Quantify emissions from a proposed solvent extraction process.
 Assist in design of an RTO VOC control system. The facility was permitting in 2019 and is currently operating.

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Publications and Presentations

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

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

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

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

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

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

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

Specialized Training

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

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

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

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

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

Professional Affiliations

Air and Waste Management Association (Board Member)

American Institute of Chemical Engineers (Member)

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

Odor Analysis and Mitigation

Ventilation System for Odor Control (Anaheim, CA)

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

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

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

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

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

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

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

Analysis of Public Health Risks

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

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

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

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

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Ray Kapahi, DBA Environmental Permitting Specialists Current and Recent Projects

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

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

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Ray Kapahi, BSc, M. Eng.
Senior Air Quality Engineer
7068 Riverside Boulevard
Sacramento, CA 95693
Phone: (916) 687-8352 Mobile: (916) 806-8333
ray.kapahi@gmail.com

Current Billing Rates - January 2023

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

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Expenses:

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

Billing:

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

Payment:

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

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EXHIBIT B

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EXHIBIT B

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ROB BONTA Attorney General





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

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

I. Background

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

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https://oag.ca.gov/environment/justice.

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

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

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

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

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

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

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

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

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

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

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

https://www.cbre.com/insights/reports/2022-north-america-industrial-big-box#download-report (last accessed September 18, 2022).

Central Valley, Too (Jul. 22, 2020), available at https://www.nytimes.com/2020/07/22/us/coronavirus-ca-warehouse-workers.html.

¹¹ California Air Resources Board, Nitrogen Dioxide & Health,

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

¹² Noise Sources and Their Effects,

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

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

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

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

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

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

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

122.38&city=oakland-ca (Oakland),

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¹⁴ Id. at 5-7.

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

https://dsl.richmond.edu/panorama/redlining/#loc=13/37.956/-121.326&city=stockton-ca (Stockton), https://dsl.richmond.edu/panorama/redlining/#loc=12/36.751/-119.86&city=fresno-ca (Fresno) (all last accessed September 18, 2022).

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

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

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

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

III. Community Engagement

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

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

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¹⁷ For more information about SB 1000, see https://oag.ca.gov/environment/sb1000.

¹⁸ https://oag.ca.gov/system/files/attachments/press-

docs/Final%20Signed%20Fontana%20Ordinance.pdf (last accessed September 18, 2022).

¹⁹ For example, the Riverside County policy requires community benefits agreements and supplemental funding contributions toward additional pollution offsets, and the Western Riverside Council of Governments policy sets a minimum buffer zone of 300 meters between warehouses and sensitive receptors. https://www.rivcocob.org/wp-content/uploads/2020/01/Good-Neighbor-Policy-F-3-Final-Adopted.pdf (last accessed September 18, 2022) (Riverside County);

http://www.wrcog.cog.ca.us/DocumentCenter/View/318/Good-Neighbor-Guidelines-for-Siting-Warehouse-Distribution-Facilities-PDF?bidId= (last accessed September 18, 2022) (Western Riverside Council of Governments).

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

IV. Warehouse Siting and Design Considerations

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

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

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

V. Air Quality and Greenhouse Gas Emissions Analysis and Mitigation

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

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

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

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²¹ CEQA Guidelines § 15369.

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

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

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

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

 Requiring all heavy-duty vehicles engaged in drayage²² to or from the project site to be zero-emission beginning in 2030.

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

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

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trucks.

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

VI. Noise Impacts Analysis and Mitigation

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

Examples of best practices when studying noise impacts include:

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

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- pressure than the last. For example, 70 dBA is ten times more sound pressure than 60 dBA.
- Disclosing and considering the significance of short-term noise levels associated
 with all aspects of project operation (i.e. both on-site noise generation and off-site
 truck noise). Considering only average noise levels may mask noise impacts
 sensitive receptors would consider significant—for example, the repeated but
 short-lived passing of individual trucks or loading activities at night.

Examples of measures to mitigate noise impacts include:

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

VII. Traffic Impacts Analysis and Mitigation

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

Examples of measures to mitigate traffic impacts include:

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

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

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

VIII. Other Significant Environmental Impacts Analysis and Mitigation

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

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

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

IX. Conclusion

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

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

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EXHIBIT C

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EXHIBIT C

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Eddie Jones Industrial Redevelopment Local Transportation Study and Vehicle Miles Traveled

Peer Review Report

Prepared for

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

Prepared by



160-57

December 26, 2023



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

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ABBREVIATIONS

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

2 SCOPE AND PROCESS

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

3 PROPOSED PROJECT

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

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4 EXECUTIVE SUMMARY

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

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

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

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

4.1 Trip Assignment

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

4.2 Passenger Car Equivalent

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

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

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

4.3 Project Trip Generation

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

4.4 Heavy Vehicle Percentage

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

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4.5 Traffic Safety

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

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

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

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

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

5 SUMMARY OF TECHNICAL COMMENTS

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

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

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Response to Comment Letter I60

Donald Mooney December 29, 2023

- The commenter, representing the Eddie Jones Go Fund Me Trust, objects to the DEIR, stating it fails to meet CEQA requirements and is legally inadequate. In response, the DEIR and associated technical reports were prepared in compliance with CEQA requirements. This comment is an introduction to comments that follow. The comment does not directly address specific content or analysis within the project DEIR. Therefore, no further response is required. Please see responses to comments herein.
- The comment provides CEQA-related excerpts from different court cases. The comment does not directly address specific content or analysis within the project DEIR. Therefore, no further response is required. Please see responses to comments that follow.
- 160-3 The comment provides CEQA-related excerpts from different court cases. The comment does not directly address specific content or analysis within the project DEIR. Therefore, no further response is required. Please see responses to comments that follow.
- The comment provides CEQA-related excerpts from different court cases. The comment states that the DEIR failed to include nearby wildlife preserves such as Wanis View Wildlife Preserve and wildlife corridors in its discussion of environmental setting, and argues the DEIR fails to inform decision makers whether the project results in impacts to biological resources. In response, as required by Section 15125 of the CEQA Guidelines, Chapter 2 of the DEIR, Environmental Setting, includes a brief description of the existing physical conditions of the project site and the surrounding vicinity. This chapter also provides an overview of the regulatory setting on the project site pursuant to Section 15125(d) of the CEQA Guidelines. Additional details and descriptions of the existing conditions and environmental analysis specific to each environmental issue can be found throughout Chapter 4, Environmental Analysis, of the DEIR. As discussed within Section 4.3, Biological Resources, the DEIR acknowledges both the presence of special-status wildlife species within the project area and impacts to the Wildlife Corridor Planning Zone (WCPZ), which encompasses the Wanis View Wildlife Preserve, and San Luis Rey River, as identified by the Oceanside Draft Subarea Plan. Please see Response to Comment Letter I10.
- The comment argues the DEIR does not comply with CEQA because the air quality analysis used "an older version of" the California Emissions Estimator Model (CalEEMod). Please see Response to Comments I60-6.
- The comment states that the DEIR used an old version of CalEEMod to calculate daily and annual emissions and that the DEIR improperly relied on the daily air quality thresholds of significance. At the time the project analysis was prepared, the current version of CalEEMod Version, 2020.4.0, was appropriate under CEQA.

CalEEMod Version 2022.1 has been revised to expand its core functionality beyond just emissions quantification to include climate risk and health and equity analysis. Many of the defaults and underlying calculations for emissions quantification have also been updated and refined (e.g., traffic analysis zone, specific vehicle trip data, electricity intensity factors forecasted through 2050, reference

of the i-Tree planning tool for sequestration). Available reduction measures have been updated based on California Air Pollution Control Officers Association's 2021 Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers (Handbook). In addition, CalEEMod Version 2022.1 uses emission factors derived from EMFA2021 (v1.0.1), whereas CalEEMod Version 2020.4.0 uses emission factors derived from EMFAC2017. In general, emissions resulting from Version 2020.4.0 are expected to be conservative (higher) compared to the same scenario modeled in Version 2022.1. For example, using the updated electricity intensity factors in Version 2022.1 results in lower greenhouse gas (GHG) emissions compared to the emissions resulting from Version 2020.4.0. In sum, the DEIR's analysis use of Version 2020.4.0 was proper and satisfies CEQA's mandate to provide a good faith effort at full disclosure of the project's potentially significant impact.

With respect to the comment about use of daily significance thresholds, please see Response to Comment 160-38.

- 160-7 The comment incorrectly states that the that DEIR fails to provide the required analysis of air quality impacts to nearby sensitive receptors and refers to the included EPS Technical Memorandum. See response to I60-38 below.
- The comment states that a cumulative air quality analysis was not included in the DEIR. The comment is mistaken. As stated in the DEIR, per San Diego Air Pollution Control District (SDAPCD) guidance and thresholds, the potential for a project to result in a cumulatively considerable impact is based on the project's potential to exceed the project-specific daily thresholds. Because maximum construction and operational emissions would not exceed the SDAPCD significance thresholds for volatile organic chemicals (VOCs), oxides of nitrogen (NO_x), carbon monoxide (CO), sulfur oxide (SO_x), coarse particulate matter (PM₁₀), or fine particulate matter (PM_{2.5}), the project would not result in a cumulatively considerable increase in criteria air pollutants. Cumulative localized impacts would potentially occur if project construction were to occur concurrently with another off-site project. Construction schedules for potential future projects near the project site are generally unknown and are considered speculative. Please refer to Section 6.4.2 of the DEIR, which includes a cumulative air quality analysis. Please also see Responses to Comments I6O-40 and I6O-41.
- The commenter asserts that the DEIR did not address cumulative air quality impacts associated with the Ocean Kamp Project. The comment relies on discussion in the EPS Technical Memorandum. Please see Response to Comment I60-44 below.
- The comment states that the DEIR fails to comply with a document regarding CEQA and warehouse projects prepared by the California Attorney General. The DEIR's air quality analysis complies with CEQA. It should also be noted that the project's Project Design Features include best practices identified in the California Department of Justice Warehouse Project Best Practices documents. See also Response to Comment 05-29. The air quality analysis provided in Section 4.2 of the DEIR does not conflict with applicable regulations. The City of Oceanside General Plan identifies the site as Industrial. The existing land use designation and zoning allows for a wide range of industrial uses, including warehouse, storage, and distribution facilities. The proposed project is consistent with the underlying land use and zoning for the project. Accordingly, the project would not conflict with and would not obstruct implementation of applicable local, regional, or state air quality plans.

- The comment incorrectly states that there are significant cumulative air quality impacts for multiple air pollutants and refers to the EPS Technical Memorandum. Please see Response to Comment 160-44.
- The comment refers to the EPS Technical Memorandum and incorrectly suggests that the operation phase impact analysis is misleading because the future users of the project are not known. The legal citation offered does not support the comment's position as it relates to the project. Please see Response to Comment I60-46; no further action is required.
- The comment incorrectly argues the analysis failed to adequately address air pollution based upon the entire expected length of truck trips. As presented in the DEIR, the average trip length for heavy-duty trucks was based on implementation of the Facility-Based Mobile Source Measures adopted in the South Coast Air Quality Management District (SCAQMD) 2016 AQMP. SCAQMD studied this issue, and their analysis is memorialized in the Preliminary Warehouse Emission Calculations, which utilizes a heavy-heavy-duty truck trip length of 39.9 miles (SCAQMD 2021). Note also that the default commercial-nonwork trip length for trucks in CalEEMod is 6.9 miles. Therefore, the DEIR conservatively utilized a trip length of 40 miles in the project analysis. This distance was compared to the distance to the Port of San Diego, which is approximately 40 miles from the project site and as such was determined to be an appropriate trip distance for the analysis. It would not be proper under CEQA to rely on the author's speculation about a different trip distance.

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement, even among experts, does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure (CEQA Guidelines Section 15151).

- The commenter argues that the DEIR fails to include relevant information about biological resources, specifically regarding nearby wildlife preserves and corridors. The comment relies exclusively on unspecified comments submitted by the Wanis View Wildlife Preserve Volunteers to support its contention. The comment does not raise any specific issue regarding the adequacy of the DEIR; therefore, no further response is required. Please also see Responses to Comments 010-1 through 010-30.
- The commenter again relies exclusively on comments submitted by the Wanis View Wildlife Preserve Volunteers to argue that the DEIR's biological resource analysis does not comply with CEQA. Please see Response to Comment 010-4.
- The comment incorrectly suggests, without substantiation, that the DEIR does not include a CEQA-compliant energy analysis and that the DEIR fails to discuss whether the project could increase its reliance on renewable energy sources. Please see Responses to Comments I60-18 to I60-22 with respect to the DEIR's energy analysis. As stated in DEIR Section 4.5, the proposed project will include on-site solar photovoltaic systems. The DEIR discloses that the City Zoning Code imposes a minimum alternative energy requirement to implement the Climate Action Plan and, as a matter of law, the project must comply with those standards. Section 4.5 of the DEIR also discloses the percentage of renewable

energy in the electric energy portfolios of the San Diego Gas and Electric Company and the Clean Energy Alliance, both of which include at least 50% renewable energy content.

- The commenter references CEQA Appendix G Guidelines, stating that CEQA requires an assessment of a project's energy consumption to avoid wasteful or inefficient use of energy resources. The comment provides excerpts from CEQA court cases. The comment does not raise any specific issues regarding the adequacy of the DEIR's analysis, and no further response is required.
- 160-18 The comment incorrectly states that the DEIR does not comply with CEQA because its bases its energy impact analysis solely on the project's compliance with Title 24. DEIR Section 4.5 includes discussion of operational energy use including electricity, natural gas, and petroleum use from mobile sources and does not rely solely on Title 24 evaluation. As discussed in the DEIR and consistent with the applicable CEQA significance threshold, energy consumption during project operation would be commensurate with typical commercial projects and would not use energy wastefully or inefficiently. Furthermore, the project would include several sustainability design features. As outlined in Chapter 3 of the DEIR and discussed in Section 4.5, proposed sustainability design features to be incorporated into the project design include electric vehicle parking stalls; solar photovoltaic roof tiles to accommodate 50% of onsite energy demand, as required by the City of Oceanside Zoning Ordinance Article 30, Section 3047; and drought-tolerant landscaping and water-efficient irrigation systems. As one component of the significance determination, the DEIR discloses that the project would comply with Title 24 energyefficiency standards, use appliances that meet Title 20 requirements, and implement sustainability design features. Consistent with the CEQA significance thresholds, the DEIR also analyzes whether the project would conflict with or obstruct a state or local plan for renewable energy or energy efficiency, including, without limitation, the Energy Climate Action Element of the General Plan, various elements of the California Code of Regulations, and the City's applicable Zoning Code provisions. This analysis demonstrates that the project's impact would be less than significant.
- The comment provides excerpts from CEQA Guidelines Section 15126.2 subdivision (b) and Appendix F. The comment does not raise specific issues with content in the project DEIR, and no further response is required.
- The comment selectively cites to Section 4.5 of the DEIR and provides out of context citations to case law to argue that the DEIR must, in the abstract, analyze the project's potential to increase its reliance on renewable energy sources. As discussed in Response to Comment I60-18, the DEIR includes a CEQA-compliant energy impact analysis. That analysis discusses renewable energy usage in multiple contexts, including the fact that the City has adopted a specific renewable energy requirement that the project must comply with as a matter of law. Further, a Project Design Feature requires the applicant to comply with California Department of Justice Warehouse Project Best Practices, as identified in Response to Comment 05-29. These warehouse project best practices also impact construction—for example, the best management practice (BMP) of forbidding idling of heavy equipment for more than 3 minutes would reduce fuel consumption, which increases the project's construction energy efficiency. While these best practices are focused on reducing GHGs, they also reduce energy consumption.
- The commenter references portions of the analysis in DEIR Section 4.5. The comment does not raise specific issues regarding the adequacy of the project DEIR, and no further response is required.

- The comment incorrectly states that the DEIR solely relies on Title 24 compliance as the basis for the energy analysis and that the DEIR contains no discussion or analysis of any renewable energy features that could be incorporated into the project. In addition, the case citations to do not support the arguments made. Please see Response to Comment I60-18.
- The comment states that DEIR section on energy consumption does not discuss whether renewable energy features could be incorporated into the project to reduce the energy consumed by semitrucks. See Response to Comment I60-18 with respect to the comment's erroneous claims about the project lacking renewable energy and sustainability features. Those project components apply to all project operations, including semitrucks used during those operations. In addition, and related to energy consumed by semitrucks, a Project Design Feature provides for the project to implement California Department of Justice Warehouse Project Best Practices, as identified in Response to Comment O5-29. No further action is required.
- The commenter states that the DEIR lacks sufficient analysis of the project's potential impacts on traffic safety, specifically arguing that the project creates increased safety risks by mixing a greater percentage of heavy-truck traffic with passenger car traffic. The comment's arguments rely on a report by Greenlight Traffic Engineering. See Response to Comment I60-57 with respect to that report.
- The commenter argues that increased traffic safety risks are posed by truck traffic associated with warehouse projects and that the DEIR failed to address that issue. They reference general guidance from the attorney general as opposed to a determination with respect to the specifics of this project. In response, the project would be consistent with the industrial zoning for the site. The comment ignores the specifics of this project. For example, the project site is not located within a high-pedestrian-use area, as it is located adjacent to the Oceanside Municipal Airport and other industrial-zoned uses. The project site is not within close proximity to schools, and proposed truck routes would not run through the residential community to the north. Project-related traffic, including safety/hazards, is analyzed in Section 4.14 of the DEIR. Please see Response to Comment 160-57.
- The commenter questions the methodology used to evaluate the vehicle miles traveled (VMT) mitigation and determine that implementation of that measure would result in a VMT reduction of 6.2%. This comment was also submitted by others. Please see Response to Comment 05-17 for a discussion of the methodology and substantial evidence supporting the DEIR's determination that implementation of MM-TRA-1 would reduce project impacts to a less-than-significant level.
- The comment questions whether MM-TRA-1 is an enforceable mitigation measure. Please refer to Response to Comment 05-17. As discussed in that response, the comment mischaracterizes MM-TRA-1. First, MM-TRA-1 will be a formally imposed mitigation measure, and compliance with the measure is assured through inclusion in the mitigation, monitoring, and reporting program (MMRP). Second, the San Diego Association of Governments (SANDAG) Voluntary Employer Commute Program is mandatory for employers to offer but voluntary for the employees to participate in. Third, as described in Response to Comment 05-17, the VMT reduction identified in the DEIR is based on an established program and methodology developed by San Diego County's regional transportation agency.
- The commenter mischaracterizes the DEIR's analysis of the project's contribution to fire hazards and then concludes that analysis is inadequate based on comments from residents opposed to the project. In response, as outlined in Sections 4.8, 4.13, and 4.17 of the DEIR, the project would not conflict with an

established emergency response plan or evacuation plan and would not significantly impact existing response times for fire and police service in the area. A Wildfire Evacuation Study has been prepared for the project and is included as Appendix N and addressed in the Errata to the Final EIR. For further details on the Wildfire Evacuation Study and arguments similar to those raised in this comment, please refer to Thematic Response 1 above.

- The commenter asserts that personal observations from neighbors and residents regarding the project should constitute substantial evidence, citing court cases. The comment references cases that are not relevant to the argument offered with respect to the project and compliance with adopted evacuation plans. Further, this comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- The comment relies on a report attached to the comment to argue that the DEIR failed to evaluate emergency evacuation plans in the event of a wildfire. Please see Thematic Response 1 and Response to Comment I60-57.
- **160-31** The comment summaries the arguments made in prior comments related to wildfires and evacuation plans. The comment does not raise any new issues, and no further response is required
- The commenter offers a general argument that the DEIR is inadequate. This comment is a conclusion to the letter and does not raise any specific issues related to the adequacy of the DEIR; no further response is required.
- This comment is part of Exhibit A to comment letter I60. Exhibit A is a report prepared by a company named Environmental Permitting Specialists. This is an introductory comment to comments that follow, describing the project. This comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required.
- The comment offers the author's definition of how the report evaluated whether the project would have a significant air quality impact. The report does not cite to or rely on the CEQA significance thresholds. As stated in the DEIR, the State of California has developed guidelines to address the significance of air quality impacts based on Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.), which provide guidance that a project would have a significant environmental impact if it would:
 - 1. Conflict with or obstruct implementation of the applicable air quality plan.
 - 2. 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.
 - 3. Expose sensitive receptors to substantial pollutant concentrations.
 - Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Appendix G of the CEQA Guidelines indicates that, where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to determine whether a project would have a significant impact on air quality.

As part of its air quality permitting process, the SDAPCD has established thresholds in Rule 20.2 requiring the preparation of air quality impact assessments for permitted stationary sources. The

SDAPCD sets forth quantitative emission thresholds below which a stationary source would not have a significant impact on ambient air quality. Project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable significance SDAPCD thresholds are exceeded.

For CEQA purposes, these screening criteria can be used as numeric methods to demonstrate that a project's total emissions would or would not result in a significant impact to air quality. This would include air quality impacts to homes and businesses near the project.

- The comment states that a project is considered to have a significant impact if it releases toxic air contaminants (TACs) at certain levels. As discussed in DEIR Section 4.2, the DEIR analysis included both construction and operational HRAs to evaluate impacts of TACs on nearby sensitive receptors. The HRAs evaluated whether project construction and operation would result in cancer risk greater than the 10 in 1 million threshold or greater than the Chronic Hazard Index significance threshold of less than 1. This comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required. Please refer to Responses to Comments 05-27 and I53-1.
- The commenter summarizes opinions offered in the report regarding the DEIR's analysis of the project's air quality impacts. This comment does not raise any specific issues related to the adequacy of the DEIR, and no further response is required. Please see Responses to Comments I60-37 through I60-54 below.
- 160-37 The comment argues that the DEIR use of the 2020.4.0 model of CalEEMod Emissions "is a critical oversight." Please see response to comment 160-6.
- The comment questions the methodology used in the DEIR's air quality analysis and argues that the DEIR used only daily thresholds of significance to determine significance and that the DEIR should have evaluated the concentration of pollutants. The comment ignores the scope of the DEIR's air quality analysis. Appendix G of the CEQA Guidelines indicates that, where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to determine whether a project would have a significant impact on air quality.

As part of its air quality permitting process, the SDAPCD has established thresholds in Rule 20.2 requiring the preparation of air quality impact assessments for permitted stationary sources. The SDAPCD sets forth quantitative emission thresholds below which a stationary source would not have a significant impact on ambient air quality. Project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable SDAPCD significance thresholds are exceeded.

For CEQA purposes, these screening criteria can be used as numeric methods to demonstrate that the project's total emissions would or would not result in a significant impact to air quality. This would include air quality impacts to homes and businesses near the project. As such, no further action is required.

Additionally, and as described in County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements – Air Quality, air quality regulators typically define sensitive receptors as schools (preschool–12th grade), hospitals, resident care facilities, day care centers, or

other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. However, for the purposes of CEQA analysis in the County of San Diego, the definition of a sensitive receptor also includes residents. The two primary emissions of concern regarding health effects for land development projects are diesel-fired particulates and carbon monoxide. The project analysis included HRAs that demonstrate that health effects from air toxics are less than significant at all nearby sensitive receptors, including the community north of the project site. As described in the DEIR health risk assessment, the latest 3-year meteorological data (2010–2012) for the Camp Pendleton Station were obtained from SDAPCD as the recommended meteorological station and input in AERMOD to model impacts to nearby sensitive receptors. The 3-year meteorological data set is used to encompass and analyze the many varying meteorological conditions that may occur at the site.

The DEIR also provides a carbon monoxide hotspot analysis that demonstrates the proposed project would not generate traffic that would contribute to potential adverse traffic impacts that may result in the formation of CO hotspots to nearby sensitive receptors. Please also refer to Thematic Response 4 and Responses to Comments I58-2 and I60-39.

- The comment incorrectly states that the DEIR provides no analysis addressing project impacts related to pollutant concentrations on sensitive receptors. DEIR Section 4.2's analysis of the CEQA significance threshold discusses whether the project exposes sensitive receptors to substantial pollutant concentrations and includes CO hotspots analysis, construction and operational health risk assessments, and analysis of health effects of criteria air pollutants.
- 160-40 The commenter presents a legal argument about what CEQA requires relative to the evaluation of the project cumulative air quality impacts and argues that the DEIR's conclusion is flawed. In response, the DEIR acknowledges the need to assess cumulative impacts, as analyzed in Chapter 6 of the DEIR. Section 15355 of the CEQA Guidelines defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Section 15130 of the CEQA Guidelines provides guidance for analyzing significant cumulative impacts in an EIR. The discussion of cumulative impacts "need not provide as great detail as is provided for the effects attributable to the project alone," but instead is to be "be guided by standards of practicality and reasonableness" (Guidelines Section 15130[b]). The discussion should also focus only on significant effects resulting from the project's incremental effects and the effects of other projects. According to Section 15130(a)(1), "an EIR should not discuss impacts which do not result in part from the project evaluated in the EIR." Cumulative impacts can result from the combined effect of past, present, and future projects located in proximity to the project under review. Therefore, it is important for a cumulative impacts analysis to be viewed over time and in conjunction with other related past, present, and reasonably foreseeable future developments whose impacts might compound or interrelate with those of the project under review.

The County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements – Air Quality provides guidelines for analyzing cumulative impacts from a proposed project. Per the guidelines, the analysis must specifically look at the project's contribution to the cumulative increase in pollutants for which the San Diego Air Basin is listed as nonattainment for state and federal ambient air quality standards. Of the seven federal criteria pollutants, only ozone occurs in concentrations high enough to violate federal standards in San Diego County. Of the seven state criteria pollutants that have a federal counterpart, only ozone, PM10, and PM2.5 occur in concentrations high

enough to violate state standards in San Diego County. Since few sources (almost none) emit ozone directly, and ozone is caused by complex chemical reactions, control of ozone is accomplished by the control of emissions of NOx and VOCs.

The guidelines for the consideration of operational cumulatively considerable net increases are treated differently due to the mobile nature of the emissions. The San Diego Air Basin's Regional Air Quality Strategy (RAQS), based on growth projections derived from the allowed General Plan densities, are updated every three years by SDAPCD and lay out the programs for attaining the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS) for ozone precursors. A project that conforms to the City's General Plan and does not have emissions exceeding the Screening-Level Thresholds (SLTs) will not create a cumulatively considerable net increase to ozone because the emissions were accounted for in the RAQS.

The potential for a project to result in a cumulatively considerable impact, per the SDAPCD guidance and thresholds, is based on the project's potential to exceed the project-specific daily thresholds and conformance to RAQs. Because the proposed project is consistent with the underlying land use and zoning for the project site, and given the projected emissions, the proposed project source emissions are not anticipated to result in air quality impacts that were not previously envisioned in the growth projections and RAQS. In addition, maximum construction and operational emissions would not exceed the SDAPCD significance thresholds for VOCs, NOx, CO, SOx, PM10, or PM2.5; therefore, per guidance, the project would not result in a cumulatively considerable increase in criteria air pollutants.

As outlined in Chapter 6 of the DEIR, the Local Transportation Study prepared for the proposed project analyzed cumulative projects in the study area that would add traffic to the local circulation system in the near future, in combination with the proposed project. Cumulative impacts considered in the Local Transportation Study included the Ocean Kamp Project, included in Table 6-1. The Ocean Kamp cumulative project is proposing roadway and access improvements along Foussat Road and State Route (SR-)76. Ocean Kamp's improvements along Foussat Road were included in the near-term roadway condition because these improvements are within City jurisdiction and required for their access. Ocean Kamp's proposed improvements on SR-76 were not included because they are within California Department of Transportation jurisdiction and cannot be assured to be implemented. It is expected that traffic reports fully analyzing project-specific impacts on site and within their respective study areas would be prepared for all cumulative projects, consistent with City guidelines. These reports would be expected to provide mitigation measures, design features, or improvements recommendations to address any potentially significant impacts. Furthermore, all cumulative projects would be required to comply with applicable City regulations related to transportation and circulation. as the proposed project does. Because proposed project mitigation would reduce traffic-related impacts to a less-than-significant level, it is determined that cumulative impacts to transportation as a result of project implementation would be less than significant.

The comment incorrectly states that cumulative analysis was not included in the DEIR. As stated in the DEIR, the potential for a project to result in a cumulatively considerable impact, per the SDAPCD guidance and thresholds, is based on the project's potential to exceed the project-specific daily thresholds and conformance with the RAQs. DEIR Section 6.4.2 addresses the project's potential for significant cumulative air quality impacts and demonstrates that the project's impacts would be less than significant. See also Response to Comment I60-40.

- The comment states that the DEIR should have speculated about potential future users of the project identified in the comment. Please see Thematic Response No. 3 regarding the comment about future users. However, the proposed project would be an unrefrigerated warehouse; therefore, no transport refrigeration units would be required for project operation and these were not included in the project analysis. Nevertheless, it should be noted that the HRA performed for the DEIR conservatively included truck idling for a total of 15 minutes on site, based on three 5-minute events, while the BMPs presented in response to Comment 05-29 limit truck idling to 3 minutes per event. The modeling analysis therefore overestimated idling emissions, including 6 minutes on site for each truck. Taking this into account, along with the Project Design Feature (PDF) (see Response to Comment 05-29) that prohibits refrigerated warehouse space "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 without 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," the HRA provided in the DEIR provides a conservative analysis of the currently proposed project.
- The commenter conducted an analysis of air quality impacts utilizing an air dispersion model to calculate pollutant concentrations based on daily project and cumulative emission rates of several air pollutants. The comment does not raise any specific issues with the adequacy of the DEIR analysis; therefore, no further response is required.
- The comment relies on an unsubstantiated, alternative methodology to reach the opinions and conclusions offered. SDAPCD provides guidance for use of air dispersion modeling to evaluate CEQA impacts (SDAPCD 2024). The comment provides only very limited details about the approach the author took to conduct his own, technically flawed analysis. The comment does not provide enough modeling input and output files to demonstrate its credibility or that the analysis presented follows SDAPCD's guidance. Based on the information provided, including Figure 2, the comment's results and conclusions lack credibility.

In addition, the comment's analysis includes receptors located within the project site, which is an area that is excluded from the definition of ambient air per EPA 2019 memorandum Revised Policy on Exclusion from "Ambient Air" (EPA 2019), and therefore presents fatally flawed results. Receptors located within the project area would mean that receptors overlap with construction emission sources, resulting in incorrect and elevated impacts. The project construction site is not open for public access and would not represent ambient air quality receptors for the analysis. As a result, the results from this analysis would be artificially elevated and not representative of the project impacts to nearby ambient air quality. Furthermore, the comment letter does not include the detailed modeling files for review, and it is unknown how the construction emissions were modeled from source characteristics or the time of day they were modeled. For example, were they incorrectly modeled 24 hours per day? This would result in emissions during inappropriate, calm meteorological periods, resulting in non-representative high impacts.

The comment includes results from a cumulative analysis based on information from Ocean Kamp's Subsequent EIR but provides no details of how these emissions were modeled. The CEQA Guidelines state that if a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact (14 CCR 15145). The consideration of construction of the proposed project in addition to construction of other projects is speculative and should not be considered because the comment lacks details of both the analysis and how it was performed.

Additionally, the results of the cumulative analysis would be flawed based on the receptor flaw of the modeling analysis discussed previously.

In addition, it is not clear whether the modeling result presented followed the correct procedures for comparing results to ambient air quality standards. For example, it compares the 1-hour standard to the 3-year average of the 98th percentile of the 1-hour daily maximum concentrations. This equates to the 8th-highest high of the maximum daily 1-hour concentrations. The information presented appears to be based on the maximum 1-hour values and would not be appropriate for comparison to the ambient quality standards. Furthermore, for the presented proposed standard exceedances, the analysis does not present what portion of the impact results from the project, if any. For these reasons, the impact analysis results are not credible as provided and cannot be considered representative of the project. No further action is required.

- The comment refers to figures provided for visual display of the report's flawed analysis. Please see response to comment I60-44.
- The comment incorrectly suggests that the operation phase impact analysis results are misleading because future manufacturing and truck emissions are largely unknown. The emissions disclosed in the DEIR are based on (1) the project's traffic analysis (based on Institution of Transportation Engineers [ITE] vehicle data appropriately applied to the project's current design facilities to determine vehicle distributions and trip counts); and (2) the California Air Resources Board's emissions model EMFAC for vehicle emissions based on the year of operation and current information. The DEIR properly discussed and disclosed that HRA impacts would not exceed the applicable thresholds.

It should be noted that future vehicle emissions are expected to decrease and to be less than what was modeled, as a result of regulations including the Advanced Clean Cars II rule. The rule established a year-by-year roadmap so that by 2035, 100% of new cars and light trucks sold in California will be zero-emission vehicles. The regulation realizes and codifies the light-duty-vehicle goals set out in Governor Newsom's Executive Order N-79-20.

As discussed in the DEIR, in 2000, CARB approved a comprehensive Diesel Risk Reduction Plan to reduce diesel emissions from both new and existing diesel-fueled vehicles and engines. Additional regulations apply to new trucks and diesel fuel, including the On-Road Heavy Duty Diesel Vehicle (In-Use) Regulation, the On-Road Heavy Duty (New) Vehicle Program, the In-Use Off-Road Diesel Vehicle Regulation, and the New Off-Road Compression Ignition (Diesel) Engines and Equipment program. All of these regulations and programs have timetables by which manufacturers must comply and existing operators must upgrade their diesel-powered equipment. Several Airborne Toxic Control Measures reduce diesel emissions, including In-Use Off-Road Diesel-Fueled Fleets (13 CCR 2449 et seq.) and In-Use On-Road Diesel-Fueled Vehicles (13 CCR 2025). As such, future vehicle emissions are expected to decrease as a result of regulations.

- The commenter's conclusions, based on review of the DEIR and the modeling analysis presented in the memorandum, are listed in the following comments. Please see Responses to Comments I60-48 through I60-51.
- The comment restates the author's opinion that the DEIR's CalEEMod analysis is questionable given the version used. Please see Response to Comment 160-6.

- 160-49 The comment repeats the argument that air quality impacts are significant both at the project level and cumulatively. As discussed in Response to Comment I60-44, the impact analysis results provided are flawed and not representative of the project.
- The comment repeats the argument that cumulative analysis was not included in the DEIR. Please see Response to Comment I60-40.
- The comment restates the opinion that future emission and health risks to the public remain largely unknown and thus it is difficult to reliably quantify future impacts. See Response to Comment I60-46. An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.
- The comment includes figures without associated text. Please see Responses to Comments I60-1 through I60-51 above. No further response is required.
- The comment provides a table of ambient air quality standards. Please see Responses to Comments 160-1 through 160-51 above. No further response is required.
- The comment includes a detailed description of the AERMOD air dispersion model. Please see Responses to Comments I60-1 through I60-51 above. No further response is required.
- The comment provides a statement of qualifications for Environmental Permitting Specialists (EPS).

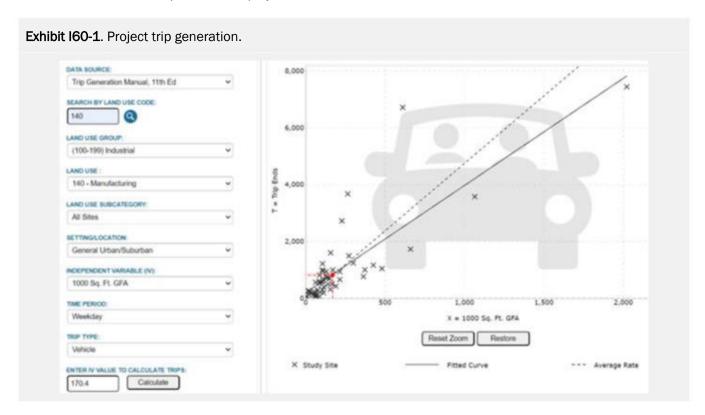
 The comment does not raise any concerns specific to the project DEIR. No further response is required.
- 160-56 The comment includes Exhibit B Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act. The comment does not raise any concerns specific to the project DEIR. No further response is required.
- The comment includes Exhibit C Eddie Jones Industrial Redevelopment, Local Transportation Study and Vehicle Miles Traveled Peer Review Report, prepared by Greenlight Traffic Engineering. The four-page peer review includes a summary of the project and provides a review of the project trip assignment, passenger car equivalent, project trip generation, heavy vehicle percentage, traffic safety, and a summary of technical comments.

In response, related to trip assignment, the commentor misunderstands the truck restriction to Alex Road. Trucks are restricted from using Alex Road and would only use Benet Road. However, project passenger cars are not restricted from using Alex Road and can use both Alex Road and Benet Road. Therefore, Benet Road would see both project cars and trucks, while Alex Road will only see project cars. Trucks make up a small amount of the project traffic (i.e., 13 trucks and 148 cars in the AM peak hour). Therefore, the significantly higher 67% distribution to Benet Road accounts for and incorporates truck and car traffic, while the remaining 33% distribution to Alex Road includes the remaining cars that are not using Benet Road.

Related to passenger car equivalent, the comment suggesting the applied passenger car equivalent (PCE) factor of 2.0 should have been higher based on the Washburn and Cuz-Casas June 2010

research paper Impact of Trucks on Signalized Intersection Capacity is incorrect, misleading, and not applicable because this research paper recommends changing the PCE factor in Exhibit 16-7 of the outdated Transportation Research Board Highway Capacity Manual (HCM) (published in 2000). The Washburn and Cuz-Casas paper was based on limited data collected from six intersections in Florida and was restricted to exclusive through-movements and queue lengths of eight vehicles, which is not applicable to the Eddie Jones Local Transportation Study (LTS) segment analysis (Appendix I of the EIR). After the HCM 2000, the Transportation Research Board of the National Academes published the HCM 2010 and the HCM 6th Edition (October 2016). The Washburn and Cuz-Casas 2010 paper is not referenced in Section 12 of the HCM 6th Edition. The HCM 6th Edition does not provide a range of PCE for different truck types but instead lists only two vehicle types as passenger car and heavy vehicle. For heavy vehicles, HCM 6th Edition Exhibit 12-25 lists a PCE of 2.0 for level terrain and 3.0 for rolling terrain. The LTS (Appendix I of the EIR) correctly applied a 2.0 PCE factor from the latest available HCM 6th Edition when the report was prepared.

Related to project trip generation, the recommended use of a fitted curve equation for car trips related to Land Use Code 140: Manufacturing, is misleading and not applicable because the fitted curve and average rate converge for the 170,400-square-foot warehouse, as shown below in Exhibit I60-1, where the red dot represents the project.



A fitted curve may be applicable for a project size where the two curves do not converge. As shown above, a larger project would have a higher trip generation using the average rate (as applied) compared to the fitted curve.

Related to heavy-vehicle percentage, a default heavy-vehicle factor of 2% was applied because it is conservative. The comment noted there will be an increase in heavy-vehicle traffic from additional planned developments. The analysis incorporated 18 cumulative projects, which are forecasted to generate a total of 67,094 average daily trips (ADT). Of the 18 cumulative projects, only 3 are industrial/heavy-vehicle generators. From the LTS, this includes Cumulative Project No. 2, Airport Rd Industrial (160 ADT); No. 6, Liberty RV and Boat Storage (64 ADT); and No. 11, Nitto Research and Development (132 ADT). These three projects result in a total of 356 ADT, which includes both cars and heavy vehicles because industrial projects have both employees/visitors arriving by car and heavy vehicles serving the industrial component. However, in the interest of simplicity, the entire cumulative 356 ADT is labeled as heavy vehicle. The proposed project has 164 heavy-vehicle ADT. The combination of heavy vehicles from the proposed project the three cumulative projects equals 519 heavy-vehicle ADT (356 + 164). This results in 0.76% of heavy vehicles from the combined ADT of the project and cumulative projects. This is calculated by taking the 519 heavy-vehicle ADT and dividing by the nonindustrial 66,738 car ADT plus the project 1,366 car ADT (519/(66,738+1,366)=0.76%). Therefore, the applied 2% heavy-vehicle factor conservatively accounted for the 0.76% increase in heavy vehicles. Application of the 2% heavy-vehicle factor is also consistent with the recently approved EIR for the nearby Ocean Kamp project (northeast corner of SR-76 and Foussat Road). The increase in truck trips from the proposed project and other projects was conservatively accounted for with a 2% factor.

Related to traffic safety, the DEIR assesses traffic safety in Section 4.8, specifically answering the CEQA question "Would the project substantially increase hazards due to the geometric design feature (e.g., sharp curves or dangerous intersections) of incompatible uses (e.g., farm equipment)?" As stated in the DEIR:

Primary access to the project site is currently provided via Alex Road on the east side of the project site, with a secondary access point to Benet Road on the west. These access points would be improved to full commercial driveway standards and maintained with the proposed project. Tractor/trailer/truck ingress/egress would be designated for and limited to the Benet Road access drive. Internal circulation through the project site would consist of a system of vehicular drives and pedestrian walkways providing access around the entire building and serving parking areas throughout the site.

The project does not propose any new geometric design features to the transportation system, such as sharp curves or dangerous intersections, that could result in the potential for substantially increased hazards. Additionally, final project plans would be subject to City review to ensure adequate access points and mobility consistent with City roadway regulations and standards. For these reasons, the project would not substantially increase hazards due to a geometric design feature or incompatible uses and impacts would be **less than significant**.

Using statements such as "raises the probability of severe crashes," "data suggests a need for improved safety measures," and "raises serious concerns about road safety," the comment implies a road safety issue due to an increase in truck traffic, but this conclusion is not supported with calculations or data specifically related to the project. Safety concerns have been addressed through the CEQA analysis requirements.

The LTS did not omit an examination of safety; the purpose of the LTS is to provide an analysis of vehicle levels of service, while the CEQA analysis and DEIR properly address whether the project would have a potentially significant impact due to increased transportation-related hazards. The technical comment summary has been addressed based on the responses above, and no changes are recommended to the LTS.

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Comment Letter I61

Robert Dmohowski

To: Robert Dmohowski

Subject: public comment deir eddie jones

Follow Up Flag: Follow up Flag Status: Flagged

Categories: Red Category

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Eddie Jones Warehouse, Manufacturing and Distribution

Facility Project Oct. 2023

D-22-00001 DEIR

SC#2022070365

Public Comments

Submission by:

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29 December, 2023

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Hand Delivered to Development Services Counter

Public Comments Submission for The DEIR of the

Eddie Jones Warehouse, Manufacturing, and Distribution Facility Project

by James 'Jimmy' H. Knott III

December 29, 2023

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Overriding Concern About the Eddie Jones Warehouse, Manufacturing, and Distribution Facility

- A Failed Project

Due Process Aberrations / Public Mis-characterizations of CEQA Requirements

The number-one action of a failed municipal project is a violation of due process in a democratic society – among other prohibitions of right factors. The Eddie Jones project has failed due to a lack of a legally-defined public forum for the most excluded groups of our society who are commonly discriminated against: the blind; deaf; disabled; shutins; those without adequate transportation; telecommunications devices; those without internet; and aging populations; those without the skills necessary to formally input among other groups, particularly those inputting the Reply/Comment section of the Eddie Jones DEIR.

161-1

A due process prohibition was confirmed to the public by Oceanside City Manager Jonathan Borrego at the South Oceanside Community/Merchants meeting in November 2023. When Mr. Borrego answered a question about a public hearing on the Eddie Jones Project, he remarked that, as far as the city was concerned, the developers early-on (preDEIR materials and pre-release of addendum's/actions such as toxic cleanup site at the Alex Road site on/adjacent to the developers site), the Scoping Meeting 'fulfilled that role' and therefore no public hearing will be held as far as the city was concerned.

161-2

Manager Borrego's remarks expressly excluded all the input of the aforementioned citizen with diverse needs. Manager Borrego's remarks seemed to cast presenters for the Developer in the role of Official city staff. Manager Borrego's public mis-characterization of scoping meetings as substitutes for public hearings for agendized DEIR commentary is problematic from several standpoints, if due process matters at all.

Nobody wants to see Developers' scoping meetings handled as 'hired-gun recordings' of non-official statements to be employed by government officials to steer public sentiment in community meetings, and, by extension, from the dais at City Hall. Nor should Oceanside's government appear to compel the public to accept as fair or accurate *any* material developers present to support their own interests before any other concern or interest – particularly where city officials may seek to influence or manipulate voter sentiment in community venues.

Denied Public Access / Irregularities in City-Posted Documents & Notices

Importantly, the lack of access to related material prior to the release of the DEIR - i.e. its appendices *and* the tools to read/understand them is of critical concern. The City has the legal obligation to make available to the environmentally-economically disadvantaged/disenfranchised all the material disclosed to the general public who enjoys public access - as a matter of due process.

161-3

The City is obliged to inspect documents in order to post accurate public records and notices. When the public is

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conducting a simple investigation of two documents, discrepancies can be revealed. For example, when using document number and size comparisons, discrepancies may show differing kilobyte-lengths in a report. Differences between registered files are readily apparent when data sheets are compared using sources such as: flash drive/dongle vs internet website, etc.

161-3 Cont.

The number of misleading discrepancies that can not be accounted for is overwhelming and the DEIR must be disapproved on that basis alone.

Any person reading the DEIR report and its appendices, would soon discover that the Eddie Jones contract consultants uniformly find for "insignificant impact" – across-the-board – section-to-section. Their findings appear wholly absent of real-life situations as well as data reflecting such. Their findings are generally free of historical analysis, and scientific proof.

161-4

Impacts by all parties involved in the DEIR that are significant, mathematical and other simulations, that are present contrast with the ideal given states that have been labeled 'Not significant' is because few if any 'real life conditions comparisons' were referred to or given like real life accounts of/for/in the example of the 1916 flood of the SLRR or other flooding events that happened aren't referred to or quoted, values that show questionable outcomes were ignored, ignorance of public safety on and off site were further absent, purposeful disregard of prior land use that left toxic materials not mentioned by the authors nor accounted for in the report (i.e. Alex Road Toxic Clean up site) were left out, the potential effects of building in an historical flood-way (inclusive of the property itself) that unless dramatically mitigated for from Mt. Palomar to the Pacific Ocean Coastal region could endanger and impact all life and even the development – new or old at the site and elsewhere in the lands of the watershed. Ignorance of other hydro-logic loads and the runoff cumulative loads will exacerbate with time. As well as with the aging of the facility which hasn't been factored into this process nor has the permanent selection of a tenant to keep from degrading all the requirements/encumbrances/CDU's therein.

161-5

So the recommendation herein is for another more passive use of the property say in the cultural arts, entertainment/recreational activity field.

THE AQUIFER

Geologically speaking, the 'Mom' (attaaxum Payomkawichum (Local Native Luiseno language for 'blue pacific ocean'), akin to the Semitic-Egyptian Hieroglyphic-Phoenician word 'mem' (for water), covered all the earth including Oceanside and beyond. As the earth lifted towards the heavens, land-forms became places of expanded opportunities for life-forms above the Ocean surface.

Among those terrestrial life-forms were plants, animals, and Homo Sapiens. Homo Sapiens, seeing himself subject to the elements, understood his relationship to all creation as subject to The Creator Who Created All Things, Visible and Invisible – and recorded his own relationship with The Creator in story and art – so to honor and obey.

161-6

In time, Homo Sapiens developed the means to 'recreate' the natural elements/cycle of the Eco-system. Homo Sapiens Terra-formed the earth and radically modified surroundings, altering the balance of the natural order to another that Homo Sapiens hoped would benefit him and his kind.

Thus Homo Sapiens became a farmer who began to irrigate crops. When his yield surpassed others in the region such that he amassed surplus, he attained power.

Homo Sapiens' responsibilities mounted – the by-product of any development designed to increase wealth. Homo Sapiens' responsibilities compounded in number and type and became complex.

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Homo Sapiens recognized, often through catastrophe, like the agricultural expanding field clearing fires apparently copied from lightening strikes that turned uncontrollable in care for the earth and natural cycles in novel, unexpected, and expansive ways.

Homo Sapiens' short-term and long-term decisions, both beneficial and detrimental, effected new 'recreated' orders from orderly natural cycles. Homo Sapiens introduced new cycles for living things and ways of living that produced extremely difficult outcomes for many others of his kind and other life forms dependent upon Homo Sapiens for survival.

All living things within the scope of plans gone awry bore the brunt of every uncorrected bad decision brought to bear upon them through neglect, pure error and deliberate oversight.

Over time 'lessons learned' were forgotten and repeated, often in much greater scale. Deliberate neglect compounded issues that destroyed natural cycles radiating from the initially damaged cycle – effecting an environmental 'DE-construction' intruding upon systems of natural cycles and processes. Climate, rain cycles, the ease or balance of the supply of life's basic needs, and the loss of beauty, order, physical and spiritual health.

Under the press of growing chaos, people came to suffer greatly.

Why? For the desire or gain of a few of the people at the expense of others and the earth itself.

Here are a few of those concerns regarding a lack of responsibility and integration into the web of life of/for a specific project in the City of Oceanside, CA called the 'Eddie Jones' Development Project towards a sub integral mater called 'Water' or as in the earliest occupiers of land language: 'Pala' and mixed in are concerns/issues about the project itself.

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Cont.

Extant: The San Luis Rey River Aquifer

Background

Oceanside has a semi-arid Mediterranean climate of limited rainfall and the city must import most of its needed water to sustain it's populace from out of state. The natural cycle can have a deluge over some years, yet there is little capacity for storage or planning for regional use such as utilizing cisterns, etc. To reduce this reliance, Oceanside has constructed a recycled water plant to maximize the use of its precious water supply. The plant, it's ancillary infrastructure, staffing and operations costs for distribution/collection systems amounts to more than a billion dollars of taxpayer investment.

Oceanside has planned for 50% or more of its future water resources from the City's recycled water pumped into and out of the San Luis Rey River Aquifer. To address threats to this resource, our infrastructure must be taken to highest security level to protect the aquifer in order to avoid dire consequences to our populace, negative compounding impacts upon our plants, fauna, etc – every aspect of life. The DEIR does not address this issue.

Importantly, failure to protect the aquifer will bring unimaginable economic burden upon the every citizen in the City's struggle to meet budget. Those who can not afford to pay will suffer most. Water rationing may be implemented to offset the domino effect. Contingency plans must be made. The DEIR neglects this issue and plan.

Liquidification rising from a number of sources both natural (like earthquakes, tsunamis) and man-made (like machine vibrations), poses a threat to the aquifer and any use of the land. Southern California is earthquake country and in the Public Lib. On the shelves are many books that portray various ancient local fault lines not shown in the DEIR and recent data out of the USGS In a vain attempt to estimate such a catastrophic occurrence the references/models shared are ideal in spite of other information shared like the given mixtures of 3 different land types (including previous flood-way soil and debris) and no understanding of what permanent tenant will be located at the site. (Note: to compel and adjust adherence to any regulations this must be a mandate to have a certified permanent tenant at the site otherwise there is a high risk of failure of following the CUP's associated with the project)

161-9

161-8

161-10

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Then there is the big bad one: movement of/or presence of toxic plumes (whether surface or subsurface). Halfway through the DEIR comment period a public notice disguised with an adjacent address came to light of an old toxic waste site of questionable mitigation (Alex Jones) that was not noted anywhere in the DEIR or its appendices. The 161-11 lead staff person knew about this, acknowledged such at a public hearing in front of other staff and the public and notations were made upon a 'forward Oceanside' map. A toxic plume could render useless the entire resource of the SLRR. But there is no plans in the DEIR for this. Historical precedence such as the 1916 flood through to the Moro Hills is part of a geologic record that is bound to be repeated. The DEIR ignores mention of its facts and impact. Although the recorded 1916 flood destroyed the entire SLRR valley 'from hillside to hillside' and killed and injured many folks. Plus wiped out both public and private infrastructure from Mt Palomar to the Pacific Ocean and made Oceanside dependent upon sailing ships for supplies 161-12 for months. There is an US Dept. Interior USGS 1918 Official Report detailing the "Southern California Floods of January, 1916". This flood alone would of overwhelmingly impacted the site and its environs. The height of the flood would of buried the site even if it had the surrounding barriers proposed in the DEIR. Therefore the DEIR is incomplete. Oceanside will face dangerous infra-structure for any live being, and private or public works due to this site. Because the site exists in the flood-way and when it is inundated with the runoff depth and force as has been experienced many times in the past and the project collapses (like edifices did in the 1916 flood among other floods) 161-13 it will become life threatening dangerous debris. And this will accompany other on site material, semi-secured or not. Yet there are no plans for any actions/plans in the DEIR. Saltwater intrusion fluctuates under many conditions including drought, rainfall, seasonal weather conditions, excess pumping (drawing up for use and into the aguifer for water reserves), etc., Saltwater has many deleterious effects upon almost any man made system or structure and shortens the anticipated lifespan thereof, unless properly planned and mitigated for (if possible years ahead.) The project site will have many connections to both private and public infrastructure and the corrosive effects with up keep to the property owner, tenant and city will be in question as to the spiraling inflationary cost due to such. This site is/has been an estuary zone for milinea. And now with the 161-14 pure water facility in operation recycling water with unknown pumping rates and plans, this barrier interaction distance can not be realistically predicted as the data is missing or unless it's regulated. And the DEIR does not provide info regarding this possible prediction and thus the movement of the saltwater occurs to an unknown extent that can only be estimated, because, even on site other agencies are demanding existing monitoring wells be closed ans decommissioned. Dangerous Oceanic-and weather conditions like Tsunamis are not taken to task, even though the SLRR could be affected by such and mitigation plans are not present for in the DEIR as such and are not envision or planned for. According the USGS and other sources Tsunami's have hit the Oceanside regional area and impacted life in ancient 161-15 times. And with occurrences around the world it is not out of the question it can happen here, especially with Climate Change as a new paradigm. Yet the DEIR doesn't address this or makes plans to even evacuate the personnel of the site, thus endangering lives. Groundwater micro-components will degrade our water supply with "forever chemicals" (PFSA's, prions, petrochemicals, questionable organics, etc.) The ability/inability to 'filter out' by differing methods/means is still in its nascent stages and with combined with poor public education, storage, transfer and manufacturing practices and 161-16 unknown tenants with unregulated unprescribed standards. This could become deadly not only to/for the plants employees but to the community at large. And the DEIR does little to allay these fears, be they just or not.

Commercial concerns may become 'opaque,' by using 'proprietary' reasoning in this public, natural setting by doing things like refusing to provide useful answers to questions, denying facility tours, ignoring concerns expressed by community action groups, etc. as to operations, etc. Every action needs to 'sun-shined' with public review because 161-17 of the delicate balance of resources and public interest overlaps. There is no mechanism developed within the DEIR to adequately accomplish public interest Protection of the San Luis Rey River Aquifer, watershed, environs and river must necessarily address questionable potential on-site future practices. For one example: lithium battery handling in exchanges from one vehicle to another or recharging. This new charging/powering system carries fire risks as there have been many at trucking 161-18 stops/ warehouses and distribution site across the world, too many here to cite. Yet the developers can not see this or doesn't want to see or hear about it as it is not addressed in the DEIR as it is far from spotlighted and planned for or even prepared for as a potential hazard. Critically, the lack of adequate monitoring wells/stations/sites, record keeping, open sourcing and with no public review and oversight presents a great obstacle to knowing what is/will take place in/over our aquifer. The San Luis Rey River is key to Oceanside's survival now and for future generations that depend upon it, be they human, plant, bird, insect or animal. Any failure will affect natural cycles and resources. Therefore all impacts and records must be made public, even time of use, spills, abandoned or seemingly abandoned project related materials. For one example 'cargo shipping containers' in other locations like in Long Beach, Ca. shippers have abandoned some of 161-19 these containers, stacked two or three high in surrounding neighborhood, where gangs commonly tag them or they are broken into and robbed or occupied at times. This has congested roadways, blocked even sunlight causing mold growth, presented public health and safety issues, even accidents and taken away from street parking and delivery capabilities by the USPS. This among numerous issues wasn't even envisioned as real life impacts in the DEIR as a remote possibility in spite of widespread national media attention.

Then in the DEIR there are these issues:

| 1) future plans associated with the mentioned 'Major regional transportation infrastructure': How, When, Carriers, integration into possible use of the facility all missing? | I 161-20 |
|---|-----------------|
| 2) Missing integration analysis impact of the/within the Oceanside Municipal Airport inclusive of disaster scenarios and supportive/reactive training. | [161-21 |
| 3) As aforementioned the wall height seems to serve no purpose if it does not over compensate for/from previous flooding episode. | I 161-22 |
| 4) ES 4 and 5 conflict with each other as to 'cultural resources' | I 161-23 |
| 5) Historical items and actions seem to be a weak point in the DEIR. From talking to long time residents there is a great story or flood channel rerouting from original direction/course that is not recognized even as late as the 1970's | I 161-24 |
| 6) There is no detail to property use prior to 1966, but when talking to long time residents, one finds a bounty of information, inclusive of questionable uses and residuals left, covered up, left for the 'river to take care of'. | [161-25 |
| 7) the toxicity of the site seems to span decades under many users, yet only a couple are identified. | I 161-26 |
| 8) no info or plans on what to do about inspections of truck loads or hazmat handling of questionable loads, especially with unidentified tenants | 161-27 |

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| 9) dry utilities have 'carrying capacity' and 'bleed over effects', I know this from working for years in the telecommunications field, yet there is no monitoring/plan/over this in the DEIR | [161-28 |
|--|-----------------|
| 10) No discussion was made about offsite parking/storage for operations which can be an option | I 161-29 |
| 11) figure 3-1 is inaccurate as it is unlabeled and very selective as to what it does note | I 161-30 |
| 12) looks like Figures 3-3/3-4 was mis/relabeled as allowances of uses | I 161-31 |
| 13) Fig. 3-5 shows facility could easily be converted to double size in a short time period, without any notice to anyone. If it was redesigned it could limit the potential opportunity. Fig. 3-6a and c shows how easy and 3-7 | [161-32 |
| 14) project setting elevation heights conflict with hydrology points: 4.3.1 | I 161-33 |
| 15) Over what time does section 404 apply – Pre-development of water restrictions upstream? | I 161-34 |
| 16) on the biological species there is little data to show: months observed, seasonal changes, no dioramas how the cycle integrate or differentiates | [161-35 |
| 17) Noise and light can have a significant effect on all species – Pg 4-3 16 impact Bio ¾ | I 161-36 |
| | |
| 18) No historiography was given, no geologic details, no listings of flooding or weather events like is shown in: https://www.weather.gov/media/sgx/documents/weatherhistory.pdf | [161-37 |
| 19) the entry way into the facility is questionable as to safety and ability to keep any flood out while protecting the facility and employees | [161-38 |
| 20) in attachment 1 there really are no specifics to The project i.e. 2022 annual water quality report | I 161-39 |
| 21) Attachment #2 the small height increases will not compensate for a size of a 1916 flooding event, no evaluation done, no references given, not envisioned | I 161-40 |
| 22) the destruction of 'wells' on the site in the presence or potential presence of toxic plumes, does not serve to anyone's benefit as it does away with a sampling indicator situations | I 161-41 |
| 23) Water by land use 7.2 has: 'other asphalt surfaces' and 'parking lots', receiving 0.000 gals of water rainfall or other sourcesthis is nuts!, when it rains in Oceanside, it normally rains across the city. And parking lots are periodically 'rinsed' to remove fugitive dust and debris. | I 161-42 |
| 24) The Climate Action Plan listed in App. C, in 'b' (end of 'b') has lots of issues: overlapping phone numbers, no listing of smart growth area, located within ¼ mile of a priority corridor? Listed as both y and n as well as Consistent with current land use and zoning, recycled water, commitment to tree canopy, energy audits, consistent with VMT and Los. As well as Electric parking stalls/stations being 89? | 161-43 |
| 25) App. C Biological Tech report: no focused surveys for special-status plants or wildlife were conducted throughout the year | I 161-44 |
| pg 13 -(1.2.2 project description – different appendices have different # of truck terminals/truck parking stalls | I 161-45 |
| 26) Hydrology: this section only discusses the effect of the project on the floodplain not the reverse as discussed before, nor impacts on employees or visitors, nor the 1916 flood, many assumptions are made, fluctuations-speed-debris were missing, levy structure assumes no compromises or impacts, On and on I can go. It's only an ideal theoretical concept and not a relation of real life impact that once was encountered that can be adjusted for. | 161-46 |

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27) No section on Climate Change effects even though the state of California had a department for such, and projection analysis is missing.

28) Drainage: its seemingly a preliminary theoretical hydrology study. And when you look at tables you see like in table 3-1 0n 3-6 60f26 'undisturbed natural terrain' was checked when the site has been used historically commercial-industrial then in 3-2 it's corrected? Then what follows are graphs that make little sense the amounts rise incrementally to a peak then dramatically fall off after a 6 hour event, again and again. I have about 30 more observations/issues in this section alone that I'm trying to sort out. If I had time I'd write them out for you. But calls.

Thank you for your attention to this matter

I61-48

Jimmy Knott III

Sent with Proton Mail secure email.

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Response to Comment Letter I61

Jimmy Knott December 29, 2023

- The commenter argues that the CEQA process for the project raises due process concerns. In response, the DEIR was published and distributed in accordance with California State Clearinghouse requirements and City requirements. The DEIR was posted on the City's website, and hard copies of the DEIR were made available at the City counter and City libraries. The comment does not raise specific issues with the adequacy of the DEIR content, and therefore no further response is required.
- The comment makes additional allegations regarding due process violations. In response, a CEQA-required public scoping meeting was held on August 3, 2022, at 6:00 p.m. at the Civic Center Library Community Room (300 North Coast Highway, Oceanside, California 92056) to gather additional public input. Comments received during the Notice of Preparation public scoping period were considered as part of the preparation of the DEIR. The public is provided with opportunities during the DEIR review period and during Planning Commission and City Council hearings to comment on the project and prepared CEQA document. The Planning Commission and City Council hearings will be held after the release of the Final EIR, which will include this formal Responses to Comments document. The comment does not raise specific issues with the adequacy of the DEIR content, and therefore no further response is required.
- The commenter argues that the public should have access to materials before the release of the DEIR. Please see Responses to Comments I61-1 and I61-2.
- The commenter offers an opinion about the sufficiency of the DEIR's analysis based on the DEIR determination that project impacts were less than significant. In response, the DEIR was prepared in accordance with CEQA (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.), and the City's environmental review procedures. The DEIR examines all phases of the proposed project, including planning, construction, and operation (14 CCR 15161). Where environmental impacts have been determined to be significant, the DEIR recommends mitigation measures directed at reducing or avoiding those significant environmental impacts. The DEIR relied on technical reports prepared by technical experts to determine the significance conclusions analyzed throughout Chapter 4 of the DEIR. The comment does not raise issues with specific areas of the DEIR or associated appendices.
- The commenter argues the DEIR downplays significant impacts without real-life comparisons or addressing historical flood events and toxic materials remaining from prior land use. The comment expresses concerns about building in a historical floodway without mitigation and about the lack of consideration for aging facilities and the tenant selection's effects on compliance requirements. In response, please see Response to Comment I61-4.

Regarding toxic materials remaining on site from the previous land use, as outlined in Section 4.8 of the DEIR, demolition of the previous building in 2022 occurred in accordance with the Department of Toxic Substances Control (DTSC), the California Land Reuse and Revitalization Act (CLRRA), and County requirements. Soil remediation has been conducted for the site per the supplemental site investigation workplan, demolition soil monitoring plan, and site-specific health and safety plan. All site remediation

would be completed prior to the start of project construction. Separate from the DEIR and CEQA process, a Response Plan will be completed for the site, as required by DTSC; the Response Plan will be available for public review and comment, including one community meeting. The Final Response Plan is expected to be available in summer 2024. Please see Response to Comment Letter A2 (DTSC).

Regarding a different use of the site, please see Thematic Response 5 regarding the project site's land use designation.

- The comment describes geologic history of the earth and the evolution of humans. The comment does not raise specific issues with the adequacy of the DEIR content, and therefore no further response is required.
- The comment prefaces concerns related to the proposed project. The comment does not raise specific issues with the adequacy of the DEIR content, and therefore no further response is required. Please see responses to comments that follow.
- This comment provides background on the San Luis Rey River Aquifer and states that the DEIR does not address protection of the aquifer. In response, the hydrologic setting of the project site is discussed in detail in Section 4.9 of the DEIR. Additionally, a Hydrology and Hydraulics Report was prepared for the project and is included as Appendix E to the EIR.
- The comment states that the DEIR did not analyze impacts on the San Luis Rey River Aquifer or on water use. In response, water supply and service is analyzed in Section 4.16 of the DEIR. As analyzed in Section 4.16 of the DEIR, citywide water supply planning is completed via the Urban Water Management Plan. The project would be in compliance with the General Plan and zoning code, and therefore water demand for an industrial use on the project site has been considered in City and regional water supply documents, which are based on the buildout of the City consistent with the General Plan. Because the project is located within the City's service area, the project is required to adhere to water conservation measures imposed by the City. Since sufficient water supply would be available to serve the project during normal, dry-, and multiple-dry years, the project would not have a substantial adverse effect due to the unavailability of water, and impacts related to water supply are considered to be less than significant.
- The comment expresses concern related to liquification and the threat to the aquifer and associated use of the project site. The comment also states that without knowledge of a permanent tenant, there is risk of failure to follow the CUPs associated with the project. In response, Section 4.6 of the DEIR describes the existing geological setting of the project site, including risks related to seismic-related ground failure, including liquefaction, landslides, and lateral spreading. The DEIR determined that project impacts related to geology, including the liquefaction potential, would be less than significant. Related to concerns about the future tenant at the site, please refer to Thematic Response 3. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- If the comment expresses concerns about the movement or presence of toxic plumes and about toxic waste at the site. In response, the DEIR addresses the issue of hazardous substances existing on the project site and any impacts of the project related to the same. As outlined in Section 4.8 of the DEIR, demolition of the previous building in 2022 occurred in accordance with DTSC, CLRRA, and County requirements. Soil remediation has been conducted for the site per the supplemental site investigation

workplan, demolition soil monitoring plan, and site-specific health and safety plan. All site remediation would be completed prior to the start of project construction. Separate from the DEIR and CEQA process, a Response Plan will be completed for the site, as required by DTSC; the plan will be available for public review and comment, including one community meeting. The Final Response Plan is expected to be available in summer 2024. Please see Response to Comment Letter A2 (DTSC).

- The commenter points to historical events like the 1916 flood and argues the DEIR did not adequately address the issue of flooding. In response, the DEIR evaluates baseline conditions of the existing environment specific to flooding, taking into consideration changes that have occurred since the time frame referenced in the comment, in Section 4.9 of the DEIR and associated Hydrology and Hydraulics Report (Appendix E to the DEIR), which analyze a 100-year flood occurrence. Please see Response to Comment 161-5, which discusses the project's location in the 100-year floodplain and associated proposed project features as well as the project's less-than-significant impacts related to that topic.
- The comment summarizes arguments from earlier comments related to the project site's location in the floodplain. Please see Response to Comment I61-12 and I61-5.
- The commenter raises concerns about saltwater intrusion and its corrosive effects on infrastructure both on the project site and in the City. The comment states that the DEIR does not provide information regarding prediction and fluctuation of saltwater intrusion or pumping rates and plans. In response, saltwater intrusion-related effects were not determined to be relevant to the project. The project site was previously utilized by industrial uses that similarly connected to City water and sewer infrastructure. The proposed project water and sewer facilities would connect to the site, which served the previous industrial use on site, and extend within the Oceanside Municipal Airport area and Benet Road right-of-way. Saltwater intrusion was not identified as an area of concern for the site or proposed development. The project would connect to the existing water and sewer utilities with on-site systems designed, as required, to fully serve the proposed development. Section 4.9 of the DEIR discusses the hydrology of the site and surrounding area in detail, including water quality standards and waste discharge requirements that could impact surface and groundwater quality. Section 4.16 of the DEIR analyzes proposed water and sewer systems and service for the project.
- The commenter raises concerns related to tsunamis at the site and states that the DEIR doesn't address tsunamis. In response, Section 4.9 of the DEIR analyzes potential project impacts related to flood hazards, including tsunamis. As disclosed in Section 4.9, according to the Tsunami Inundation Map for Emergency Planning, Oceanside Quadrangle, the property is not located within the inundation area. In addition, a perimeter flood wall would also be incorporated around the boundary of the entire project site as a flood protection feature.
- In response, the applicant voluntarily entered into a CLRRA agreement with DTSC in September 2021 to oversee investigations and remediation of the project site arising from the project site's prior industrial use. Soil remediation was initiated for the site per the supplemental site investigation workplan, demolition soil monitoring plan, and site-specific health and safety plan. Environmental site assessments completed for the site, as disclosed in the DEIR, determined that constituents of concern at the site associated with previous industrial uses include total petroleum hydrocarbons, volatile organic chemicals, elevated concentrations of metals, and PFAS. As disclosed in DEIR Section 4.8, all site remediation would be completed prior to the start of project construction, which would clean up the project site to

industrial/commercial standards per the land use designation. Post-remediation quarterly groundwater monitoring would be completed at the site in accordance with applicable laws and a DTSC-approved Response Plan. Groundwater samples would be analyzed for PFAS. Please see errata, Final EIR Section 4.8, for additional information.

Related to construction and operation of the proposed project, development of any new manufacturing facility is required to go through City, County, and fire department approval if identified chemicals would be used during manufacturing, and the applicant/developer/tenant would be required to register identified chemicals. Safety Data Sheet(s) would have to be filed with the fire department for any stored chemicals. As a new manufacturing facility, generation of PFSAs or other regulated chemicals is not anticipated for this proposed project. The comment does not raise any issues related to the adequacy of the DEIR analysis. Please refer to Section 4.9 of the DEIR, which analyzes project impacts on groundwater and water quality. The DEIR determined that impacts related to hydrology and water quality would be less than significant.

- **161-17** The comment advocates for transparency in decision-making. In response, please refer to Responses to Comments I61-1 and I61-2.
- The comment expresses concerns related to the protection of the San Luis Rey River Aquifer as a result of potential future uses at the project site, including lithium battery handling. In response, the hydrologic setting of the project site is discussed in detail in Section 4.9 of the DEIR. Additionally, a Hydrology and Hydraulics Report was prepared for the project and is included as Appendix E to the DEIR. The DEIR determined that the project would not result in impacts to water quality during construction or operation. Potential project fire risks are outlined in Sections 4.8 and 4.17 of the DEIR. The proposed project would be built to comply with the most recent California Building Standards Code, which include standards for building materials in the exterior design and construction of new buildings located within a fire hazard area.
- 161-19 The commenter emphasizes the need for adequate monitoring and public oversight to protect the San Luis Rey River Aquifer. In response, please refer to Section 4.9 of the DEIR, which describes the existing hydrologic setting and analyzes potential project impacts related to hydrology and water quality. While the project does not involve groundwater extraction, surface water quality measures include biofiltration basins and stormwater control measures to minimize pollutant runoff. These measures align with regulatory standards and best management practices (BMPs) to protect water quality and minimize impacts on groundwater resources, ensuring the preservation of the San Luis Rey River Aguifer, watershed, and surrounding areas. Additionally, comprehensive assessments have been conducted to address hydrological and water quality considerations. A Stormwater Quality Management Plan (Appendix G), Preliminary Drainage Assessment Report (Appendix F), and Hydrology And Hydraulics Report (Appendix E) were undertaken to evaluate the project's potential impact on the surrounding environment. These assessments inform the implementation of BMPs, including biofiltration basins, underground storage vaults, and proprietary treatment devices, to treat stormwater before discharge. Additionally, the project adheres to regulatory requirements and guidelines set forth by federal, state, and local authorities to ensure compliance with water quality control plans and sustainable groundwater management practices. The DEIR determined that impacts related to hydrology and water quality would be less than significant. As analyzed in Section 4.8 of the DEIR, industrial-grade chemicals used in day-to-day project operation could be stored on the project site; storage would be required to comply with the guidelines established by the manufacturer's

recommendations. Consistent with federal, state, and local requirements, the transport, removal, and disposal of hazardous materials from the project site would be conducted by a permitted and licensed service provider. With mandatory regulatory compliance, and given the nature of the proposed use, operations of the project would not create a significant hazard to the public or the environment.

- I61-20 The comment references "'Major regional transportation infrastructure': How, When, Carries, integration into possible use of the facility all missing?" It is unclear what the commenter is referring to. The comment does not provide any specific comments regarding the adequacy of the DEIR, and therefore no further response is required.
- The commenter states that the DEIR is missing integration of an analysis covering disaster scenarios and supportive/reactive training related to the Oceanside Municipal Airport. It is unclear what the commenter is referring to. However, the DEIR, in sections such as 4.8 and 4.10, demonstrates that the project is consistent with the Oceanside Municipal ALUCP. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment states that the [flood] wall height serves no purpose if it does not overcompensate for/from previous flooding episodes. In response, please refer to Response to Comment I61-12. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenter argues that ES 4 and 5 conflict with each other regarding cultural resources in the DEIR. In response, Sections ES.4 and ES.5 in the Executive Summary of the DEIR have been edited to accurately reflect cultural resources, tribal cultural resources, and traffic as impacts determined to be significant with mitigation required. These minor revisions do not change the significance determinations outlined in Chapter 4 of the DEIR.
- The comment offers an opinion that historical items and actions seem to be a weak point in the DEIR. The commenter specifically mentions stories of flood channels rerouting from original direction/course that is not recognized even as late as the 1970's. In response, consistent with CEQA, the DEIR analyzes the project's impacts on the existing site setting and surrounding area of impact. Historical resources are analyzed in Section 4.4 of the DEIR, and all flooding consideration has been analyzed in Section 4.9 of the DEIR based on the relevant hydrological circumstances. The comment does not raise any specific issues with the adequacy of the DEIR, and no further response is required.
- The comment states that there is no detail on property use prior to 1966, but that long-time residents say there is information available and previous uses were covered up. In response, as outlined in Section 4.4 of the DEIR, historical topographic maps and historical aerial images were reviewed at historicaerials.com to understand the development of the project area and surrounding properties (Appendix D). Historical aerial photographs of the project site were available for 1938, 1946, 1953, 1964, 1967, 1978, 1980–1986, 1988–1991, 1993–2000, 2002, 2003, 2005, 2009, 2010, 2012, 2014, 2016, and 2018. Section 4.4 discusses the history of the project site and surrounding area. The comment does not raise any specific issues with the adequacy of the DEIR, and no further response is required.
- 161-26 The comment states that the toxicity of the site seems to span decades under many users, yet only a couple are identified. In response, Section 4.8 of the DEIR discusses historical property uses and

reviews historic aerial photographs of the project site from 1938 to present. As described in the Phase I Environmental Site Assessment for the project site (Appendix M), the historical use of the project site as an industrial plating and electrical connector manufacturing facility is the only historical use that qualifies as a recognized environmental condition on the project site. In addition, the adjacent airport to the south of the project site represents a recognized environmental condition for the project site. Please see Response to Comment I61-11 related to the remediation efforts being performed in accordance with applicable law at the project site.

- The comment states that no information or plans for inspections of truck loads or hazmat handling of questionable loads, especially with unidentified tenants, were identified in the DEIR. In response, as outlined in Section 4.8 of the DEIR, operation of the warehouse and distribution facility would likely involve the use of industrial-grade chemicals used in the day-to-day operation of the facilities, as well as commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available products. While these materials could be stored on the project site, storage would likely occur in compliance with the guidelines established by the manufacturer's recommendations. As required by the federal, state, and local regulations referenced above, the transport, removal, storage, use, and disposal of hazardous materials from the project site would be conducted by a permitted and licensed service provider. Any handling, transport, use, or disposal must also comply with all applicable federal, state, and local agencies and regulations.
- The comment states that there is no monitoring plan over "carrying capacity" and "bleed over effects" related to dry utilities. In response, the project would connect to existing dry utilities. Electricity and natural gas would be provided by San Diego Gas & Electric Company. The project would connect to existing electrical lines and natural gas pipelines within existing roadways adjacent to the project site. It should be noted that the project is located in an urban area of the City, and the site was previously developed with an industrial use that connected to existing infrastructure. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment states that the DEIR did not discuss the option of off-site parking and storage for project operations. In response, all project operations and vehicle parking would occur within the project boundary. All cars and trucks would be required to park in designated spaces, and no off-site parking or storage for project operations is proposed nor would it be permitted under current entitlements. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 161-30 The comment states that Figure 3-1 is inaccurate because it is unlabeled and selective as to what it does note. In response, Figure 3-1 is a standard aerial of the project location and project vicinity. The key in this figure identifies the proposed project boundary. Figures 3-2 through 3-6D depict detailed visuals of the project site and proposed conceptual plans.
- The comment states that Figures 3-3 and 3-4 look mislabeled/relabeled as allowances of uses. In response, the images shown in Figures 3-3 and 3-4 were taken directly from the City's General Plan Land Use Map and the City's Zoning Map. The keys in these figures reflect land use designations and zoning designations established by the City.
- 161-32 The comment states that Figure 3-5 shows the facility could easily be converted to double size in a short time period without any notice to anyone. In response, it is unclear what the commenter is

referring to. Figure 3-5 is a conceptual site plan that shows the proposed building and associated parking. As shown in Figure 3-5, the building as proposed would take up the majority of the project site. The project would be required to develop what is being proposed as part of entitlements as ultimately approved by the City. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

- The comment states that the project setting elevation heights conflict with hydrology points. In response, it is unclear what text in the DEIR the commenter is referring to. As outlined in Chapter 3 of the DEIR, the proposed building would be 45 feet high. The project would incorporate required building setbacks and airspace height limits established by the Oceanside Municipal Airport Land Use Compatibility Plan.
- The comment asks over what time does Section 404 apply. In response, as outlined in the regulatory setting section of Section 4.3 of the DEIR, pursuant to Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged and/or fill material into "waters of the United States." The term "wetlands" (a subset of waters of the United States) is defined in Title 33 of the Code of Federal Regulations, Section 328.3(b), as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." In the absence of wetlands, the limits of U.S. Army Corps of Engineers jurisdiction in non-tidal waters, such as intermittent streams, extend to the ordinary high water mark, which is defined in Title 33 of the Code of Federal Regulations, Section 328.3(e). The project does not require a Section 404 permit.
- The comment states that there is little to no data related to biological species that show months observed, seasonal changes, or dioramas of how the cycle integrate [sic]. In response, the Biological Technical Report (Appendix C to the EIR) describes in detail biological survey methods, field reconnaissance timing, vegetation communities and land covers identified, and associated biological impacts. Associated figures and tables are provided throughout Appendix C of the DEIR. Additionally, the proposed mitigation measures addressing potential impacts to biological resources detail requirements and associated timing/recording.
- The comment references text from Section 4.3 of the DEIR, stating noise and light can have a significant effect on all species. As outlined in Section 4.3 and Appendix C of the DEIR, lighting will be directed downward and away from the San Luis Rey River. The buildings and parking areas would include lighting designed to minimize light pollution and preserve dark skies while enhancing safety, security, and functionality. MM-BIO-2 and MM-BIO-3 would address potential indirect impacts to biological resources. Noise is addressed in Section 4.11 of the DEIR, and the analysis determines that noise-related impacts would be less than significant.
- The comment states that no historiography, geologic details, or listings of flooding or weather events were provided in the DEIR. In response, please see Chapter 2 and Sections 4.2, 4.6, and 4.9 of the DEIR, which address these concerns.
- 161-38 The comment states that the entryway into the facility is questionable as to safety and the ability to keep any "flood out while protecting the facility and employees." It is unclear what this comment

addresses. Section 4.14 of the DEIR addresses access to the project site, and Section 4.9 addresses the potential for flooding. Both sections demonstrate that project impacts will be less than significant.

- The comment states that Attachment 1 (2022 Annual Water Quality Report) does not include specifics related to the project. In response, it is assumed the commenter is referring to Attachment 1 of the Hydrology and Hydraulics Report (Appendix E to the EIR). This Attachment 1 reflects the Flood Insurance Rate Map associated with the project location.
- The comment refers to Attachment No. 2, arguing the small height increases will not compensate for "a size of a 1916 flood event" and that no evaluation was completed in the DEIR. In response, it is unclear what attachment the commenter is referring to. However, it is assumed the commenter is referencing the proposed request for a variance to allow small height increases for portions of the floodwall design to surround the property. Please see Response to Comment I61-5 relative to flooding.
- The comment states that the destruction of wells on the site in the presence of potential toxic plumes does not serve anyone's benefit because it does away with sampling indicator situations. In response, destruction of wells on site is not proposed as part of the project.
- The comment references "other asphalt surfaces and parking lots receiving 0.000 gallons of water rainfall or other sources." In response, it is unclear what section of the DEIR the commenter is referring to. Please see Section 4.9 of the DEIR, which analyzes project drainage and drainage features in detail. Please also refer to the Drainage Study included as Appendix F to the DEIR.
- The comment states that the Climate Action Plan listed in Appendix C has many issues, including overlapping phone numbers, no listing of smart growth area, listed as both yes and no as well as consistent with current land use and zoning, recycled water, commitment to tree canopy, energy audits, consistent with VMT and level of service, as well as electric parking stalls being 89. In response, please refer to Responses to Comments 011-8 through 011-11.
- The comment states that no focused surveys for special-status plants or wildlife were conducted throughout the year as part of the Biological Technical Report (Appendix C). In response, based on the existing condition of the site, which was previously developed with an industrial use, the biological vegetation communities and land covers identified on site consist of disturbed habitat and urban/developed land. As the DEIR's biological resource analysis demonstrates, the project would not result in direct or indirect habitat modifications that would have a substantial adverse effect 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. Due to the lack of habitat on the previously developed site, focused surveys were not warranted. However, the project includes implementation of MM-BIO-1, nesting bird surveys, during project construction.
- The comment states that page 13 (Section 1.2.2, Project Description) includes different appendices that have different number of truck terminals and parking stalls. It is unclear what DEIR section or appendix the commenter is referring to. The number of parking stalls, truck trailer parking stalls, and truck terminals is confirmed throughout the DEIR, including in Chapter 3, Project Description, and Section 3.2. Development of the proposed project would include associated landscaping, stormwater features, 590 parking spaces for employee/visitor parking, 60 truck trailer parking stalls, and vehicle circulation area. Loading bays are proposed on the north and south sides of the building, with a total

- of 114 truck terminals (Page 3-2). However, please see Thematic Response 6 as it relates to proposed project truck bay reduction as part of the final project.
- The comment expresses concerns regarding the Hydrology Section of the DEIR and the 1916 flood. In response, please see Responses to Comments I61-12 and I61-40.
- The comment states that there is no section or analysis regarding climate change effects. In response, please see Sections 4.2 and 4.7 and Appendix B of the EIR, which all discuss climate change effects.
- The commenter raises issues with the findings of the Drainage Study. In response, the Drainage Study prepared for the project was reviewed by City Planning staff and City engineers. Please see Response to Comment 127-32.

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Comment Letter 162

Re the Eddie Jones DEIR

Only by reading through the lines of these +/-10,000 pages of this DEIR are we offered a glimpse into the reality of what this development means to Oceanside. It does not offer or reflect the reality of what will actually be in place if it is approved as proposed. The report is written with a best case scenario, an ideal situation in mind, not actual situations. Throughout there are reasons for, justifications for, what is being proposed for this project.

The firm chosen by, hired by and paid by the developer has attempted to paint a rosy picture of the project that is known as the Eddie Jones Development in clever and skilled documentation. It is clear that these findings are not necessarily based solely on facts but rather on word-smithing the information so as the please the customer ... the developer.

The DEIR prepared for the Eddie Jones development would have us believe that this is a great project. Interlaced throughout every section are these following words: if, may, may be, might, perhaps, not generally and other similar words. These are known as hedge words.

According to the Oxford New American Dictionary, a **hedge** is "a word or phrase used to allow for additional possibilities or to avoid commitment, for example, *etc.*, *often*, *usually*, *sometimes*, *might*, *possibly*, and *maybe* are textbook hedges.

Here is just one example, selected because it uses three such words. This single paragraph is also full of double-speak and does not state at all clearly what they are trying to convey:

From the DEIR: Impact Analysis ~ "if a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might be in conflict with the SIP and the RAQS and may contribute to a potential significant cumulative impact on air quality".

In English ... the development, as proposed, cannot guarantee that it is within regulations re air quality. Given that there is no known tenant there can be no guarantees re this and many other factors stated in the DEIR. There are too many unknowns since there is no information on which to base a decision.

ES.4 - Effects found NOT to be Significant

This DEIR would have us believe that these are areas where there is NO concern: noise, traffic, fire

~Noise ...

(3.2.5 Project Design Features "...fork lifts and pallet jacks and yard tractors will be electric powered." Noise from trucks and forklifts is addressed specifically DURING CONSTRUCTION ONLY. There is no mention addressing after construction and the back up noise generated from the trucks and forklifts during the daily operations at the facility.

OSHA Section 1926.601(b)(4) states:

§1926.601 Motor vehicles.

- * * *
- (b) General requirements,
- * *
- (4) No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:
- (i) The vehicle has a reverse signal alarm audible above the surrounding noise level or:

162-1

162-2

(ii) The vehicle is backed up only when an observer signals that it is safe to do so. (Emphasis added).

The only way this backup signal alarm from these trucks and fork lifts will "NOT to be significant" is if they are not engaged. The option to this alarm is that the trucks and fork lifts are always "backed up only when an observer signals that it is safe to do so".

Where is the guarantee that this will be enforced? Who monitors and what is the consequence if not in place 100% of the time?

<u>~Traffic and Circulation</u> ... with 114 truck bays, parking for 60 trailers, plus 500 employee/visitor's POVs there will absolutely be a significant impact on the only two, two lane roads dedicated for these vehicles to get to and from the facility.

Traffic studies include outdated data as it is based on the former business that was on this property. Deutch, that former business, has not been an active business or fully operational business for 15+ years. The figures to compare what traffic was generated is so out of date that it should be seen as irrelevant.

Additionally, (page 28 Summary of Significant Environmental Impacts) a mitigation measure is that a "VOLUNTARY Employee Commute Program", "in order to reduce trips" is being proposed. A VMT reduction of 6.2% is suggested ... based on 590 cars that is 37 less vehicles!

A volunteer program cannot be recognized as a definitive mitigation and the 6.2% reduction realized is actually "NOT significant"!

Even if it were to be implemented, how is it monitored? Who monitors it? What threshold must be achieved before it does actually make a difference in the numbers of POVs, certainly something much greater than 6.2%.

Without any knowledge of the tenant how can this be implemented/enforced?

~Fire ... the developer continues to state that the facility is fire safe

Nowhere is there any mention of the surrounding residential community, Abbey or businesses. A fire in the area will most certainly impact the residents in the 1200 homes due north of this development, the residents and visitors to the Prince of Peace Abbey and the businesses, both set to the north and north west respectively. The facility is not fire-proof and therefore is indeed and issue re fire.

Again, with no information about the tenant how can anyone state what the fire concerns will be? If it is a manufacturing facility as proposed, what materials are being used? So, how is it possible to say that fire is "found NOT to be Significant".

Bottom line, all comments re fire safety, noise, traffic are based on the facility alone and there is no mention of, or concern for, the adjacent community of residences or businesses.

162-2 Cont.

162-3

162-4

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| S2.3 Objectives |
| 3 "compatible with the adjacent light industrial-zoned sites" There is NOTHING a raction of this size <i>anywhere</i> in this area. |
| 4 "Create a project that takes advantage of and enhances existing infrastructure" there are various and very diverse definitions of "take advantage of": Put to good use, avail neself of AND profit selfishly by, to exploit". |
| he developer would have us believe that their objective is to put to good use, avail oneself thile the opposition reads this as their profiting selfishly and exploiting. |
| 5 "Fulfill a demand for industrial and manufacturing uses in the city." The description of his development, as stated above, is: "Wholesaling, Distribution and Storage Facility". here is no mention in that description that includes "manufacturing". |
| also, per Oceanside Zoning Ordinance 415 (1)(1), the definition of a facility that has more nan 6 semi trucks on the premises at one time is considered a "Trucking Terminal". The ity of Oceanside does not need to fulfill a demand for a "Trucking Terminal", in this case, "Trucking Terminal" that is proposing almost 5x that number of just 6 semi trucks. |
| unnnanannnanannnnanannnnnnnnnnnnnnnnnnn |
| S2.4 Discretionary Actions \underline{AND} 2.1.4 Existing Zoning Designations - "Minimize the npact of industrial uses on adjacent residential districts" |
| The City would use this EIR and associated documents in it's decision to approve or deny ne required discretionary permits." |
| he refusal to grant the two CUPs that have been submitted, which would allow these exceptions, is the only way to "Minimize the impact of industrial uses on adjacent esidential districts." |
| this development, as proposed, is to be <i>multiples</i> of the square footage allowed per city ode and the number of semi trucks on the property also exceeds, by <i>multiples</i> , the number last are allowed, thus the need for two CUPs. The approval of the requests to allow them to exceed Oceanside City Code for these two CUPs is, as stated, <i>discretionary</i> and should not be granted. |
| the developer knew that these requests were discretionary and could well be turned down. ection 1.3 Scope of the EIR states: "A reasonable range of alternatives to the proposed roject is identified to elevate whether there are ways to minimize or avoid significant inpacts associated with the proposed project". Two of the three alternatives offered are rorse that the original proposed facility so cannot be considered a range of alternatives that ill in any way minimize or avoid significant impacts associated with the proposed project, wo of the alternatives are NOT at all acceptable. The third alternative is not to build |
| nything. Given the unacceptable two alternatives previously mentioned, that is the best otion. |
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| ES5.1 Significant Environmental Impacts | T |
| The Significant Environmental Impact mentioned is specific only to the time frame during construction. The Significant Environmental Impacts regarding the time before and following the construction are completely left out. | 162-10 |
| Many fully grown and mature trees were cut down from this property when it was initially leveled in preparation for this development. Any trees that will be planted will take years and years to mature to what those that were removed added to the habitat of the various animals living in the adjacent San Luis Rey River. The DEIR states that there are to be | 162-11 |
| "Nesting bird Surveys" during construction. What about following construction when there are multiple big rigs with noise, lights and pollution coming and going from the property? To monitor this only during construction shows a disingenuous concern for the birds and other animals that have already been, and will continue to be, impacted by this development. | 162-12 |
| TECCC: acificant and Hagacidable Impacts (WIONE) | т |
| ES.6 Significant and Unavoidable Impacts - "NONE" The property values of the surrounding residences is absolutely a "Significant and Unavoidable Impact". Those that are within yards of this giant "truck terminal" are especially vulnerable and are absolutely going to be impacted. The entire Airport community of 1200 homes will also realize this hit on values of their homes. Though not as much as those who are literally next door to it. Smaller buildings, one on each parcel of property purchased, that are within the requirements of Oceanside city code, without the need for CUPs re size of building and | 162-13 |
| number of trucks, would avoid this "Significant and Unavoidable Impact". | 1 |
| Suggested Alternatives: Three "alternatives" were offered | T |
| Section 1.3 Scope of the EIR states: "A reasonable range of alternatives to the proposed project is identified to elevate whether there are ways to minimize or avoid significant impacts associated with the proposed project". | 162-14 |
| Two of the three alternative suggestions for a different facility are worse than the original proposed facility! Of the three, the first alternative of building nothing is the only acceptable one since it is apparent that there was not a genuine effort to work with the community to come up with something acceptable. | |
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DEIR

2.1.3 Existing Land Uses - Regarding the buffer

"Bordered on the north by the San Luis Rey River, a two-way asphalt bicycle and pedestrian path which provides a buffer between the project site and single-family residential houses north of the San Luis Rey River."

Buffer-zone definition: Buffering is the process of creation of a zone of specified distance, called a Buffer zone, around features such as a point, line or polygon features. Buffer zones are often set up to protect the environment, protect residential and commercial zones from industrial accidents or material disasters, or to protect violence."

If, as stated in the proposal, the San Luis Rey River is serving the purpose, in tandem with the bike path, as a buffer, by definition the river is in itself an environmental zone to be protected and so cannot serve as such a buffer.

This 566,905 sq-ft building which sits on 31.79 acres then has only the two lane asphalt bicycle and pedestrian path as the actual buffer between the environmental and residential areas that the buffer is there to protect.

2.1.2 Site Background and 4.8 Hazardous Material

Though the developer conduced some remediation of hazardous materials at the site several months ago there remains a major concern regarding those toxins. A communication from the Department Toxic Substance Control (DTSC) was sent to nearby residents in November 2023 explaining those concerns.

The mission of the DTSC is to protect the people, communities, and environment of California from harmful chemicals buy cleaning up contaminated sites, enforcing hazardous waste laws, and compelling the development of safer products.

The survey received included Site Description and Clean-Up Information. The complete survey is attached.

"Site investigation activities were conducted to assess potential releases of hazardous materials from historic or current Site operations and to further assess heavy metals, cyanide, Volatile Organic Compounds (VOCs), Perand Polyfluoroalkyl substances (PFAS), and petroleum hydrocarbons impacts to the soil, soil vapor, and groundwater. Results of the investigation showed levels above the commercial screening levels remaining in the soil, soil vapor, and ground water.

A draft Response Plan will be prepared with an evaluation of remedial strategy alternatives and proposed implementation of selected response actions."

This notice served as a red flag that there continue to be toxins on the property and continued remediation is required.

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162-15

162-16

| 2.1.4 Existing Zoning Designation | T |
|--|--------|
| "Strengthen the cities economic base, and provide employment opportunities close to home for residents of the city and surrounding communities" | |
| Relative to the size of the this facility the economic return for the city is very small. | 162-17 |
| If this project is actually a manufacturing, warehouse and distribution model the jobs available will be primarily minimum wage and the residents of Oceanside (and surrounding areas) cannot make a living wage and reside here. | |
| "Ensure that the <u>appearance</u> and <u>effects</u> of industrial uses are compatible with the character of the area in which they are located." | Ĭ |
| Appearance: the appearance of 566,905 sq. ft. trucking terminal is Not "compatible with the character of the area." NOTHING is the area is anywhere near the size of this facility. | 162-18 |
| Effects: effects of semi-trucks traveling though the area does NOT "ensure the effects are compatible" with the nearby neighbors - businesses or residents. | l |
| "Minimize the impact on the industrial uses adjacent residential districts." | Ţ |
| There is no mention of this in any section of the DEIR, all focus is on the project. The residential area of approximately 1200 homes nor the Prince of Peace Abbey both located in close proximity are acknowledged. | 162-19 |
| 2.2.6 Vegetation and Habitats | Ţ |
| Established, mature trees were cut down when cleaning this property, removing habitats for various species living in the adjacent San Luis Rey River. The trees that are proposed to be planted are few and will take years to mature and replace what was removed. | 162-20 |
| 2.3.1 City of Oceanside General Plan | Ţ |
| "Primary source of long-range planning and policy direction that is used to guide development within the city and serve as a policy guide for determining the appropriate physical development and chemics.org/ | |
| The character of our beach city is not to promote a trucking terminal. A newly coined slogan for our city is; "Keep Oceanside Classy." A mega warehouse and all that comes with that is not classy. | 162-21 |
| Respectfully submitted, | |
| Dee Keck Oceanside Resident | 1 |
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NOVEMBER 2023

COMMUNITY SURVEY

Department of Toxic Substances Control – Our mission is to protect the people, communities, and environment of California from harmful chemicals by cleaning up contaminated sites, enforcing hazardous waste laws, and compelling the development of safer products.

YOUR INPUT REQUESTED FOR THE 3390 ALEX ROAD CLEAN-UP PROJECT IN OCEANSIDE, CA 92058

Dear Community Member:

We need your assistance. Our agency, the Department of Toxic Substances Control (DTSC), invites you to complete and return the attached community assessment questionnaire that assesses public interest in the clean-up activity for 3390 Alex Road (Site). The Site is located at 3390 Alex Road (also known as 250 Eddie Jones Way), Oceanside, California.

Site Description:

The Site consists of three adjacent parcels of land consisting of approximately 31.7 acres and is currently vacant. The Site was historically used as an industrial plating facility and electrical connector manufacturing facility for the defense, aerospace, and marine industries. The Site was previously developed with four industrial manufacturing buildings, several ancillary structures, concrete and asphalt-paved parking areas, former landscaped areas, and a former recreational area for employees. The Site is proposed to be redeveloped with a single-story warehouse building, surrounding parking areas, and minimal landscaping/retention basins.

Clean-Up Information:

Site investigation activities were conducted to assess potential releases of hazardous material from historic or current Site operations and to further assess heavy metals, cyanide, Volatile Organic Compounds (VOCs), Perand polyfluoroalkyl substances (PFAS), and petroleum hydrocarbons impacts to the soil, soil vapor, and groundwater. Results of the investigation showed levels above the commercial screening levels remaining in the soil, soil vapor, and groundwater.

A draft Response Plan will be prepared with an evaluation of remedial strategy alternatives and propose the implementation of selected response actions. In the future, you will receive a Community Update that provides a summary of the proposed cleanup activities. The Community Update will provide your opportunity to review and comment on the draft Response Plan.

DTSC regulates the generation, storage, treatment, and disposal of hazardous waste in California and oversees environmental investigations and subsequent cleanups. The goal of our agency is to restore and protect the environment, in part by conducting investigations and permitting activities. Your responses will help us plan for future cleanup and community outreach activities.

Thank you in advance for completing the enclosed community survey questionnaire. Please complete and return the survey questionnaire by November 22, 2023. If you have questions regarding the Site, please contact **Travis Coburn**, DTSC Project Manager at Travis.Coburn@dtsc.ca.gov. For community involvement please contact:

Jessica Anderson, Public Participation Specialist
Department of Toxic Substances Control
5796 Corporate Avenue, Cypress, CA 90630-4732
Phone: (714) 484-5354, E-mail: Jessica.Anderson@dtsc.ca.gov



Hearing impaired individuals may use the California Relay Service at 711 or 800-735-2929 TTY/VCO/HCO to voice.

Additional information on DTSC sites can be found through our EnviroStor database.



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162-22

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Response to Comment Letter I62

Dee Keck December 29, 2023

- The commenter criticizes the DEIR, arguing that it presents an overly optimistic view of the project. The commenter suggests that the report is biased and uses language to downplay potential negative impacts. In response, the DEIR was prepared in accordance with CEQA (California Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.), and the City's environmental review procedures. Words such as "would" and "if" are used throughout the document to explain potential impacts should the project be approved, instead of assuming the project will be approved. The referenced text provided in Section 4.2 of the DEIR, Air Quality, is explaining the methodology and relationship between the San Diego Association of Governments (SANDAG) growth projections and the State Implementation Plan (SIP) and Regional Air Quality Strategy (RAQs). The analysis then goes on to clarify that because the project is consistent with the underlying land use and zoning for the project, the proposed project source emissions are not anticipated to result in air quality impacts that were not previously envisioned in the growth projections and RAQS, and implementation of the project would not result in development in excess of that anticipated in local plans or increases beyond those contemplated by SANDAG.
- The commenter questions the DEIR's conclusion that certain effects related to noise, traffic, and fire are not significant. Executive Summary Sections ES.4 and ES.5 have been revised in the Final EIR to correctly include traffic and cultural/tribal cultural resources in the areas found to be significant with mitigation required. These minor text revisions do not change the significance conclusions outlined in the DEIR analyses for the Traffic and Cultural Resources sections, and impacts and associated mitigation measures are accurately reflected in DEIR Table ES.5-1, Summary of Significant Environmental Impacts.

Regarding noise, the commenter argues that the DEIR only addresses noise from trucks and forklifts during construction, and it fails to mention noise generated by these vehicles during daily operations at the facility. They cite Occupational Safety and Health Administration (OSHA) regulations requiring audible reverse signal alarms for motor vehicles with obstructed rear views and express concern about whether these alarms will always be enforced, given the potential safety implications. In response, Appendix H, the Noise Technical Report, analyzes both construction and operational noise levels. The report assesses noise from on-site mechanical equipment, parking lots, and truck loading docks. It concludes that noise levels would comply with municipal standards and would not be significant. Section 4.11 of the DEIR includes a detailed analysis on long-term operational noise, including noise from truck airbrakes, back-up alarms, idling before shutoff, ignition, and acceleration from stop.

Table 4.11-8 in Section 4.11 of the DEIR presents predicted combined on-site noise emission levels from the preceding source types at two assessment locations: at the midpoint of the project's northern boundary, and at a representative distance from the project where existing residential land uses near the cul-de-sacs of Toopal Drive and Tishmal Court are encountered. The predicted aggregate noise levels shown are less than the applicable City standards; hence, long-term operational noise from onsite sources would not result in generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of applicable standards, and such potential environmental impacts were determined to be less than significant.

The commenter objects to the DEIR's determination that traffic impacts will be less than significant. They criticize the proposed mitigation measure for the identified potentially significant vehicle miles traveled (VMT) impacts. The comment also argues the traffic analysis relies on the data from the prior tenant, which is not accurate nor supported by the information included in the DEIR.

Please refer to Thematic Response 3 regarding a future tenant and to Thematic Response 6 regarding the proposed reduced number of truck bays. Please refer to Response to Comment 05-17 regarding the VMT mitigation measure.

The commenter offers an assessment about fire risks to the surrounding community unrelated to the project. They argue that information about the future tenant is required to perform an analysis of fire risks. In response, the DEIR includes a CEQA-compliant analysis of the project's potential for significant adverse impacts related to fire. Wildfire-related impacts to the project site and surrounding area are discussed in Sections 4.8, 4.13, and 4.17 of the DEIR. A Wildfire Evacuation Study has been prepared as part of the Final EIR (Appendix N). Please see Thematic Response 1 regarding comments about future tenants.

Due to existing development in the vicinity, the relatively flat topography of the site, a lack of slopes that would exacerbate fire risk, and updated building standards as part of the proposed development, implementation of the project is not expected to exacerbate wildfire risks. The preliminary site plans and emergency access for the project have been reviewed by the Oceanside Fire Department and would be in compliance with the applicable fire code.

- The commenter refers to Project Objective No. 3 and offers an opinion that the project is not compatible. In response, please refer to Thematic Response 5.
- The commenter refers to Project Objective No. 4 and offers a differing interpretation of "taking advantage of" existing infrastructure, noting potential positive and negative connotations. In response, the project aims to utilize existing utility infrastructure in place and would not require relocation or construction of new off-site water, wastewater, drainage, or telecommunication facilities, thus reducing demand on such utility service providers by using existing infrastructure. The project is consistent with the zoning and General Plan land use designation for the site and with the previous industrial use on site; it is also compatible with the adjacent Oceanside Municipal Airport Land Use Compatibility Plan.
- The commenter refers to Project Objective No. 5 and states an opinion that the project does not meet that objective. As described in Thematic Responses 1, 5, and 6, the project is consistent with the project site's zoning and land use designation of industrial.
- The commenter argues against granting two Conditional Use Permits (CUPs) due to concerns about the project's impact on adjacent residential districts. The commenter erroneously states that the development exceeds permitted square footage and the number of semitrucks allowed on the property, necessitating the CUPs. In response, please refer to Thematic Responses 5 and 6.
- The commenter argues the DEIR did not provide a reasonable range of alternatives and suggests that not building anything is the best option. In response, as outlined in Chapter 8, Alternatives, of the DEIR, other than the No Project Alternative, the EIR needs to examine only those alternatives that could feasibly obtain most of the basic objectives of the proposed project, even if the alternatives would

impede to some degree the attainment of project objectives. The DEIR evaluated three proposed alternatives, the No Project/No Development Alternative, the Multi-Building Alternative, and the Reduced Building Footprint Alternative. As part of the Final EIR, a Multi-Building and Truck Bay Reduction Alternative has been included. Please refer to Thematic Response 6 for a summary of this Alternative and to Chapter 8 of the Final EIR for an analysis of this alternative. Please refer to Responses to Comments 05-20 and 09-16 for a discussion of CEQA's standards for alternatives and why the DEIR complies.

- The commenter argues that the significant environmental impacts mentioned in Table ES.5-1 in the Executive Summary of the DEIR is limited to the construction period, neglecting impacts before and after construction. In response, Table ES.5-1 is a summary of identified project impacts and associated mitigation measures that would reduce project impacts to a less-than-significant level. Please refer to Sections 4.2, 4.3, 4.4, 4.14, and 4.15 in the DEIR, which include a detailed analysis of identified project impacts summarized in Table ES.5-1.
- The comment states that mature trees were cut down on the property in preparation for the proposed project and that replanted trees will need to mature. In response, the project site as it exists is heavily disturbed and does not include any native trees on site, though some ornamental trees exist within the disturbed habitat area. Ornamentals in this area include species such as native Fremont cottonwood and velvet ash and non-native species such as *Eucalyptus* sp. *and Acacia* sp. As stated in Section 4.3 of the DEIR, for any tree removed, the City mandates a 1:1 replacement ratio concerning its diameter at standard height and its brown trunk height. Therefore, whenever a tree is removed, it is a requirement to replace it with a new tree of equivalent trunk diameter and brown trunk height. This rule ensures that there is no reduction in the total number or size of trees, maintaining the integrity of the urban tree population.
- The comment asks if nesting bird surveys will be conducted following construction and during operation of the proposed warehouse. Impacts to nesting birds is identified in the DEIR as a potential temporary indirect impact (Impact Bio-1) of the proposed project, with MM-BIO-1 (Nesting Bird Surveys) conducted to minimize impacts during construction. Increased human activity is identified in DEIR section 4.3 as a potential long-term indirect impact that could deter wildlife use in areas adjacent to the completed proposed project. However, with the establishment of the 100-foot buffer between the proposed project site and the San Luis Rey River and other project features, the DEIR determined long-term noise impacts to wildlife are not expected to occur. Additionally, the proposed project must comply with the California Fish and Game Code (CFCG) and the Migratory Bird Treaty Act (MBTA), to avoid impacts to nesting birds. Nesting bird surveys will not be conducted after project completion unless deemed necessary under the CFGCC, MBTA, or local regulations, and the landowner and tenant would be responsible for following all federal, state, and local laws, including the MBTA and CFCG.
- The commenter argues that the project will have an adverse impact on the property values of surrounding residences. In response, please refer to Thematic Response 7 regarding property values and Thematic Response 5 regarding CUPs.
- The commenter criticizes two out of three alternatives. They argue that the only acceptable option is to build nothing. Please refer to Response to Comment I62-9.

- The comment provides a definition for a buffer zone and states that the San Luis Rey River and bike path should not serve as the buffer between the project and single-family homes to the north. In response, as outlined throughout the DEIR, specifically Chapter 3 and Section 4.3, the proposed project has been designed to maintain a 100-foot buffer (50-foot biological buffer plus a 50-foot planning buffer) from the edge of the San Luis Rey River riparian habitat as designated in the City of Oceanside Subarea Plan (SAP). This buffer is located along the northern edge of the property. Although the San Luis Rey River Trail and embankment runs through the buffer area, forming a hard boundary between the project site and the river habitat areas, the proposed project 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 the project site would be replanted with native coastal species.
- The commenter discusses the letter received from the Department of Toxic Substances Control in November 2023, included as an attachment to this letter for reference. The comment states that the notice serves as a red flag that toxins remain on the property and that continued remediation is required. In response, Section 4.8 of the DEIR discloses the prior use of the site and the contamination remediation efforts ongoing at the project site. See Responses to Comments A2-7 and A2-8 for a discussion of the issues raised in this comment.
- The commenter offers an opinion about whether the project provides an economic return for the City. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenter offers an opinion about whether the project is compatible with the character of the area. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please also refer to Thematic Responses 5 and 6.
- The commenter argues that the project does not minimize impacts on adjacent residential districts. In response, the DEIR analyzes potential impacts to nearby sensitive receptors, including residences to the north of the project, throughout Chapter 4 of the DEIR. The City of Oceanside General Plan designates the site as Light Industrial. The existing land use designation and zoning allows for a wide range of industrial uses, including warehouse, storage, and distribution facilities. The proposed project is consistent with the underlying land use and zoning for the project. Please refer to Thematic Response 5.
- The comment expresses concerns about removal of trees on site and replacement with immature trees. In response, please refer to Response to Comment I62-11.
- The commenter opposes the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Please also refer to Response to Comment I62-19 and Thematic Response 5.
- The commenter attaches the Department of Toxic Substances Control community survey sent to nearby residents in November 2023. Please see Response to Comment I62-16.

Comment Letter I63

RESPONSE TO Eddie Jones Warehouse, Manufacturing and Distribution Facility Project Oct. 2023

D-22-00001 DEIR SC#2022070365

Public Comment Submission Prepared by:

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Attention:

Robert Dmohowsky (Senior Planner)

Members of City Council



163-1

THE PRINCE OF PEACE ABBEY. OCEANSIDE, CALIFORNIA

2

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The Prince of Peace Abbey, in Oceanside, California, at 650 Benet Hill Road, is a 130-acre Benedictine Monastery established in 1958 on a plateau rising above the San Luis Rey River well within the 1500 ft. for Oceanside City's public notice to 'affected parties.' The Abbey offers spiritual refreshment to people from of all walks of life from all parts of the world. Guests come to worship, to retreat in silent meditation, and to relax in the enjoyment of the Abbey's grand sweep of California's pristine coastal hills, plateaus and canyons leading to the great Pacific. The surrounds of the monastery are of exquisite beauty. Dark and quiet at night, very peaceful.

The Prince of Peace Abbey is home to the monastic community of Benedictine monks who dedicate their lives to prayer here. The Benedictines are an order of hospitality and welcome the stranger. The peace of the Abbey surrounds extends across the Church grounds and into the community of passers-by who find calm reassurance in the sweep of unsullied natural landscape – a tribute to California's heritage of natural beauty – and the heritage of our children.

The Prince of Peace Abbey gladdens the eye, touches the heart, and relaxes the mind – essential to the aesthetic appreciation of environment and the life abounding within it. The flora and fauna that compose the teeming life along the riparian habitat of the San Luis Rey River are integral not only to the spiritual and conservationist character of the Abbey, but to a chain of preserves that form not simply a 'multi-species corridor', but a 'linked beauty' that delights the senses and sends a powerful message of Oceanside's investment in the well-being of the natural surrounds that make the City special and provide for the health and happiness of residents and visitors alike, now and in our future.

One can say that the Prince of Peace Abbey and the San Luis Rey River, the scenic open spaces visible from miles around, and the presence of a lovely chain of preserves along the local San Luis Rey River watershed all form a 'contiguous welcoming' – a beautiful gateway to the glory of the Pacific Ocean.

Oceanside's natural beauty preserved, forms a living proof of how Aesthetics

3

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163-1 Cont. encompass Environment to maintain Life – exactly the mission Oceanside purports to carry us into the future in our San Luis Rey River Specific Plan/ General Plan. A noble mission that welcomes a beautiful future for our children's enjoyment of nature. That future is endangered by the Eddie Jones Warehouse, Manufacturing and Distribution Facility Project Proposal for the incalculable risks it presents, not only in the degradation of Oceanside's aesthetic value and regional natural resources, but to human life, health and safety.

Central to Oceanside's mission to preserve its natural beauty are its ties to agencies sharing the same conservation mission. A shared mission of regulatory enactments

163-1 Cont.

Central to Oceanside's mission to preserve its natural beauty are its ties to agencies sharing the same conservation mission. A shared mission of regulatory enactments whereby Multi-Species and Multi-Habitat protections prioritize preservation of designated fragile-habitat corridors and fragile riparian surrounds. These areas are, by regulatory mandate on the State and Federal level, prioritized over planning objectives where they characteristically must suborn to the larger issue of preserving riparian and California Coastal area beauty and health.

163-2

Eddie Jones Project Proposal DEIR 2023 references Oceanside's General Plan and cites some of its material in its summary for Aesthetics in <u>Section 4.1: Aesthetics</u> (oceanside.ca.us)

163-3

Yet, the DEIR's omission of the Aesthetic value of Prince of Peace Abbey is a glaring omission and should be addressed. The DEIR Project Proposal's Summary for Aesthetics in Section 4.1 totally omits mention of the Abbey's value in the unsullied view of the watershed of the San Luis River down to the Pacific—a wildlife habitat 'gem.' The City General Plan includes in its visual resources listing 'churches with extensive grounds' as the DEIR itself points out. Yet, the DEIR goes no further to comment on the Project Plans impact upon Prince of Peace Abbey if it expects to meet The General Plan's Environmental Resources Management Element and CEQA's aim to address aesthetics in terms of Life – that is, "the best interest of the public health, safety and welfare." Here, Aesthetics and Environment and Life combine for the public good.

163-4

Although the EJ Project Proposal DEIR refers to The City of Oceanside's General Plan Environmental Resource Management Element ((City of Oceanside 2002a) and

, 163-5

4

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identifies several Aesthetic Assets from among the City's "valuable scenic resources of open space" that "contributes to the visual aspect and should be preserved" the DEIR 163-5 Cont. omits any mention of the aesthetic value of the Church grounds of Prince of Peace Abbey. Rather the DEIR seems to employ Local and State documents to characterize "open space" use as a development prerogative over the public's right to Aesthetic Value as 163-6 should be shown in conservative planning approaches to the beautiful and environmentally healthy swaths of natural habitat that Oceanside cherishes. For example, Eddie Jones Project Proposal DEIR omits the Abbey's high visibility for miles - the same Aesthetic asset offered Guajome Regional Park. Nor does the Project DEIR mention the Abbey's access to aesthetic beauty as enjoyed in its open space life-affirming wildlife environs, riparian habitat, enjoyed both upon and from the Prince of Peace Abbey' grand sweep to the Pacific. Notably, the Eddie Jones Project proposal did not even post a map that properly shows the Prince of Peace Abbey itself nor an adequate image of Benet Hill Road. The Map Below does show the Prince of Peace Abbey properly. It clearly shows the Abbey's position relative to the Proposed Development site, as well shows the Abbey's acres of open space close on the project. The map below can be accessed at this link: 163-10 https://www.spl.usace.army.mil/Portals/17/docs/publicnotices/SLRR%20SedimentManagement.pdf? ver=2016-08-02-180153-687

5







Above Map Shows: Preserves Local to the Prince of Peace Abbey and contiguous with sensitive species habitats. Refer to: Wanis View Wildlife Preserve Volunteers. cited in References contained in this report.

The DEIR also omits the lovely view up from the San Luis River surrounds to the Abbey Church grounds. It also fails to address the heartwarming beauty of the Church Grounds as seen from the 76 corridor, the view from the MCB Camp Pendleton, itself

163-11

6

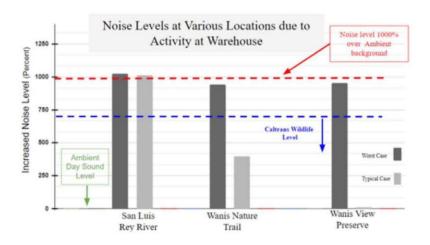
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| an open-space visual resource also listed among Oceanside's Visual Open Spaces in the General Plan. MCB Camp Pendleton is a unique vast holding of federally-protected riparian region along the Santa Margarita River Watershed and is also home to a phenomenal count of protected species of birds to include many raptors that range to and from the base and between a chain of protected preserves and water-bodies near | ↑ I63-11 Cont. |
|---|-------------------|
| to the Abbey's Church grounds (See Above Map). The Eddie Jones Project Proposal DEIR is wholly inadequate to address Aesthetic concerns within the context of habitat conservation or in any context. Rather, it summarizes Aesthetic value in purely compartmentalized terms that appear only to serve the aims of presenting what the project <i>purports</i> as aesthetically-pleasing without consideration of the San Luis Rey River riparian corridor and surrounds. | 163-13 |
| By omission then, in its quest to promote its own tenantless 'Shell Design' for a large commercial operation, Eddie Jones Project Proposal DEIR is wholly inadequate to meet the aims of CEQA. | I 163-14 |
| A cautionary note: The Eddie Jones Project Plan DEIR's Aesthetic Summary, by means of convenient language, rather serves to 'carve up' Oceanside's stated visual resources into its version of 'acceptable parts.' The DEIR summary lists: The Pacific Ocean; Buena Vista Lagoon; the San Luis Rey River; and Guajome Regional Park as "notable" – consigning other scenic visual resources to less importance. This is an arbitrary approach to CEQA's conservation mission and wholly inadequate if not misleading. | 163-15 |
| The Public matters in decisions of this scope and size that affect Oceanside's future. The omission of Prince of Peace Abbey, as shown in the Eddie Jones Project Proposal DEIR, seems to sideline the expressed will of Oceanside's public, as established by voter approval of particular regulations in the City of Oceanside General Plan where public hearings have been afforded and due process observed. | 163-16 |
| Importantly, from a local input on the proposed development, the DEIR runs counter to concerted efforts and effective actions of well-organized groups such as <i>Oceanside Speaks Out</i> and <i>The Wanis View Wildlife Preserve</i> (Excerpts referenced Here) in their attempts to halt the project. | l63-17 |
| Oceanside's public been steadfastly exercising its concerted will, asserting hearty public objections to the highly unpopular Proposed Plan for the Eddie Jones Warehouse, Manufacturing and Distribution Facility a series of years. | I 163-18 |
| That public will, expressed definitively in 4000+ petition signatures, many from homeowners also within 1500 feet of Eddie Jones Proposed Project; a writing campaign to City Officials; has marshalled and remains ongoing to preserve Oceanside's exquisite natural beauty for its capacity to inspire wonderment and awe. That will is also expressed in numerous comments and studies that remark the Eddie Jones Project Plan is unsuitable for the site because of the natural constraints to adequately protect Life in the riparian surrounds and its environment – for human, flora and fauna, to wit: | 163-19 |
| Limited ingress and egress in event of fire and flood, and other natural disasters, as | ▼ 163-20 |

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| may occur from the 595,000+ square foot facility - as-yet 'tenant-unidentified.' | 163-20 Cont. |
|--|-----------------|
| Delayed First Responder response times not shown in the DEIR. | I 163-21 |
| Nil consideration of Potential for Impact of Catastrophic Weather upon the site itself and affected parties. The evacuation of employees is unaddressed. Without merit to Public Safety is the The Eddie Jones DEIR proposal for a 'shelter-in-place' response for employees for its 'tenant-less' shell-project design. The DEIR's inadequate plan should be rejected on that basis alone. | 163-22 |
| See Historical Timeline: weatherhistory.pdf | |
| 2. Nil consideration of alternative energy use such as: Lithium batteries as mandated by the State of California for future use in 2030 by ground-freight shipment and motorists. | I 163-23 |
| 3. Nil consideration of Prince of Peace Abbey's scenic vista in the context of the Eddie Jones Project Proposal DEIR's inadequately substantiated declaration of "No Significant Impact' of light spill and noise across the riparian habitat, along slopes, and across plateaus flanking the site area. | 163-24 |
| 4. Nil consideration of Significant Impact to human and wildlife ears in inadequate sound tests that omitted the impact of Low Frequency Sounds. An excerpt from: Wanis View Wildlife Preserves Response – Devastating Impact of a Proposed Warehouse Project on Essential Wildlife Corridors: | 163-25 |
| "Simple Calculation: A single diesel Class 8 truck accelerating on the warehouse site. Noise level in the River area: 890% louder than background level. Of course, the actual operation of the warehouse is more complicated than a single truck, but this result alone raises serious concerns. First principles calculation. Because of the importance of this issue, we have carried out extensive, first-principles calculations of the noise level resulting from warehouse operations. We look at two cases with the calculations and assumptions shown in Appendix II. Note: these results do not include all potential noise sources. The results of the calculations are shown in the figure below. The "Worst Case" and "Typical Case" operations of the warehouse are shown for specific locations of interest. The Caltrans guideline is shown as the dotted blue line. The dotted red line is the noise level corresponding to 1000% higher than background levels." | 163-26 |

8



163-26 Cont.

This is the Wildlife exclusion zone. High noise levels extending into the wildlife corridor (San Luis Rey River-Wanis intersection). In the Worst Case analysis, this zone will extend over 3000 feet from the warehouse. As the birds and other wildlife are pushed away so will seed dispersal of native plants, insect habitats, and reptiles. The result: the wildlife corridor is effectively blocked.

Wildlife Opposition to Warehouse Project

8

Read link for reference to the impact of Low Frequency sound to sensitive habitats. The DEIR combines this omission with pronounced endangerments to life - to multi-species riparian habitat sensitive to disturbance of circadian-rhythms, nesting requirements, feeding and mating, and subsequent effects upon flora and fauna dependent upon the unsullied night environs. No valid studies were conducted.

163-27

SUMMARY

Thankfully, Oceanside is still in a position to lead as a distinguished California beachside community surrounded by extant natural beauty and life - if "wise use" planning incorporates "wise use" as stated in the General Plan. Oceanside can exercise the opportunity to protect our scenic vistas and open space vistas that also preserve Life. It can do this by accepting designs that enhance a welcoming bike trail and conserve a lovely riparian habitat as part of a treasured, forward-thinking gateway to the Pacific and our attractive coastline.

163-28

In "wise use" of Oceanside's rich scenic resources, we can protect the health, welfare and safety of residents and visitors alike, and the Life that is given us to protect.

To meet the aims of CEQA we can only accept projects that refuse negative impact of

▼ 163-29

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noise on the range of life – upon infant ears, upon the quiet enjoyment of parents and elders working in their home offices, upon infirm, and upon all of us that deserve the quiet and solitude upon which our mental, emotional, physical and Spiritual Life depend.

163-29 Cont.

Oceanside can prioritize the safety of the airport community, passersby on foot and bicycle who come close-by the river for spiritual refreshment and exercise, and the hundreds of worshippers who come to seek God at the Prince of Peace Abbey church grounds.

163-30

We have already heard the answer clear as a bell. Oceanside has already spoken in favor of the heritage of future generations who deserve the same wonderment and awe we enjoy now. Please reject the Eddie Jones Warehouse, Manufacturing and Distribution Facility because it is so unsuitably and terribly sited. Rather, act now to distinguish Oceanside as a Good Steward of the San Luis Rey River Aquifer and Riparian Habitat, our gorgeous treasure for our children's children.

A SPECIAL BIRD - CHERISHED AND OVERLOOKED.

The California Gnatcatcher ranges. As DEIR consultants conducted 'outcome-tailored' tests in lieu of tests appropriate to real-life subjects, situations, durations, and comprehensive, cumulative tests, the Eddie Jones Project Proposal DEIR failed to adequately address significant impact to nearby species depending upon habitats showing express value to multi-species protection programs. This fragile bird is part of the aims of CEQA. The Bell's Vireo.

163-31



Bell's Vireo Sounds, All About Birds, Cornell Lab of Ornithology

163-32

"California Gnatcatcher Polioptila californica Endangered. The small amount of remaining habitat in California is being rapidly turned into housing developments. Nesting attempts often fail, partly because of cowbird parasitism. Habitat: Coastal sage scrub. In limited range on the California coast, found only in coastal sage scrub. This is a habitat of low shrubs (mostly 3-6' tall), generally dominated by California sagebrush, buckwheat, salvia, and prickly-pear cactus. (confirmed sighting by Habitat Manager San Diego Habitat Conservancy) (text and photo from Audubon Society) Mountain lion (Puma concolor). Also known as a cougar, panther or puma, is tawny-colored with black-tipped ears and tail.

163-33

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Their kittens, or cubs, are covered with blackish-brown spots with dark rings around their tails. The markings fade as they mature. Mountain lions usually hunt alone, at night. (two sightings by one person) Least Bell's Vireo—the Least Bell's Vireo of California and Baja California." Wanis View Volunteers.

163-33 Cont.

REFERENCES ALSO INCLUDED IN TEXT BODY:

weatherhistory.pdf The National Weather Service lists a number of catastrophic weather events that have afflicted North County and Oceanside in particular over the course of time.

Wanis View Wildlife Preserves Response – Devastating Impact of a Proposed Warehouse Project on Essential Wildlife Corridors. Prepared by: Wanis Wildlife Preserve Volunteers.



Michelle Martini-Brown/Google Local

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Response to Comment Letter I63

Windy Bravo Dolan No Date

- 163-1 The commenter praises the Prince of Peace Abbey (originally St. Charles Priory; hereafter, the Abbey) in Oceanside, California, and argues the proposed project would degrade the area's aesthetics, threaten natural resources, and jeopardize human health and safety. In response, the proposed project involves the redevelopment of a previously developed industrial site with an industrial use, consistent with the zoning and General Plan designation for the site. Section 4.1 of the DEIR, Aesthetics, describes visual open space resources within the City, which includes the Abbey. As analyzed in Section 4.1 of the DEIR, impacts related to aesthetics and visual resources were determined to be less than significant. The project site is surrounded by existing industrial uses and the Oceanside Municipal Airport, located immediately south of the project site. Due to the distance of the Abbey from the project site (approximately 0.35 miles) and intervening roadways, existing development, and the San Luis Rev River, development of the proposed project is not expected to result in any visual impacts for the Abbey. Due to the location of the proposed project, the development of the project would not block any existing views for surrounding uses to the north, specifically views of the San Luis Rey River corridor. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required
- The commenter discusses the Oceanside Subarea Plan (SAP) in general terms. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 163-3 The commenter argues the DEIR omits analysis of the aesthetic value of the Abbey in the DEIR. Please see Response to Comment I63-1.
- The commenter, citing the General Plan, again argues that the DEIR failed to analyze the project in relation to the Prince of Peace Abbey. Please refer to Response to Comment I63-1.
- The commenter asserts the DEIR fails to acknowledge the aesthetic value of the church grounds of the Abbey, despite referencing Oceanside's General Plan and its emphasis on preserving scenic resources. Please refer to Response to Comment I63-1.
- The commenter states the DEIR prioritizes development over preserving Oceanside's natural habitat and aesthetic value. The project would involve redevelopment of a property that has been designated for industrial uses and used as such for decades. The DEIR evaluated the project's consistency with the applicable land use and biological resource plans and regulations and determined project impacts would be less than significant. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required. Additionally, please see Response to Comment I63-1 as related to the Abbey.
- The commenter highlights the Abbey's high visibility as a crucial aesthetic asset comparable to Guajome Regional Park. Please refer to Response to Comment I63-1.

- 163-8 The commenter asserts that the DEIR should have acknowledged the Abbey's access to aesthetic beauty, including its open space, wildlife environs, riparian habitat, and views extending to the Pacific Ocean. Please refer to response to comment 163-1.
- The commenter states that the DEIR should have included a map that properly shows the Abbey or an adequate image of Benet Hill Road. The figures included in the DEIR are specific to the project site and proposed development area of impact. Figure 3-1, Project Location, depicts the vicinity of the project site, which includes the Abbey off Benet hill road. Please refer to Response to Comment I63-1.
- 163-10 The commenter attached a map that depicts the Abbey's location in relation to the proposed project site. Additionally, the commenter attached an image depicting the project in relation to local preserves. Please refer to response to comment I63-1.
- The commenter argues the DEIR should have discussed the scenic views of the Abbey church grounds from various vantage points such as the San Luis Rey River surrounds, the Highway 76 corridor, and Marine Corps Base Camp Pendleton. Please refer to Response to Comment I63-1 for a discussion of views to and from the project site in relation to the Abbey.
- The commenter highlights the significance of Marine Corps Base Camp Pendleton as a federally protected riparian region, emphasizing its importance for various protected species of birds, particularly raptors, and its connection to the Abbey. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required
- 163-13 The commenter criticizes the DEIR by arguing it has an "inadequate treatment" of aesthetic concerns as they relate to the San Luis Rey River riparian corridor. In response, neither the City's General Plan nor the Zoning Ordinance identifies specific scenic vistas within the immediate project area. The DEIR thoroughly evaluates the project in light of the CEQA significance thresholds related to aesthetics in Section 4.1 and biological resource impacts in Section 4.3. The DEIR discloses visual resources surrounding the project site, including the San Luis Rey River corridor, and, consistent with the General Plan standards and CEQA, demonstrates the project would not substantially impact existing panoramic views or vistas from identified public viewpoints, roads, trails, recreational areas, or scenic highways. Additionally, as required by the CEQA significance thresholds, the DEIR addresses the potential for the project to have adverse impacts to scenic resources within a state scenic highway, confirming that the project site is not located adjacent to or in the vicinity of a designated state scenic highway. Therefore, the DEIR properly disclosed that the project would not cause substantial damage to scenic resources such as trees, rock outcroppings, or historic buildings within a state scenic highway. Furthermore, the proposed project is consistent with the City's General Plan and zoning regulations, and its architectural design, landscaping, and lighting features are designed to minimize adverse visual impacts while enhancing the surrounding environment.
- The commenter refers to the project as a "Shell Design" and asserts that the DEIR is wholly inadequate. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 163-15 The commenter expresses an opinion that the DEIR minimizes the significance of Oceanside's visual resources by arbitrarily designating only a few as "notable," while neglecting others. In response, resources analyzed in the DEIR were identified within the City of Oceanside General Plan Environmental

Resource Management Element. Additionally, these resources were discussed and identified as notable within the DEIR due to their relative proximity to the project site. The Pacific Ocean is approximately 2.5 miles west, the Buena Vista Lagoon is approximately 3 miles southwest, the San Luis Rey River is immediately adjacent to the project site to the north, and Guajome Regional Park is approximately 5.5 miles east of the project site. Furthermore, no designated scenic vistas are located within the immediate project area.

- The commenter reiterates the argument that the DEIR should have included more of a discussion of the Abbey. Please see Response to Comment I63-1 regarding that issue. Regarding public involvement, a Notice of Preparation scoping meeting and multiple community meetings that included public input have been held for this project. Additionally, all public comments received during the public review period have been reviewed by the City and addressed in this Response to Comments document.
- 163-17 The commenter highlights the opposition to the project from Oceanside Speaks Out and The Wanis View Wildlife Preserve. In response, please see Responses to Comments 09 and 010, which address the feedback received from those groups.
- 163-18 The commenter asserts that the public objects to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required
- I63-19 The commenter offers a description of public opposition to the project. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required
- The commenter asserts that limited entry and exit access will exist in the event of fire, flood, and other natural disasters, and comments on the absence of information about the future users of the project. In response, as outlined in Sections 4.13 and 4.15 of the DEIR, concerning Public Services and Traffic and Circulation, the project ensures all necessary emergency access in accordance with the Oceanside Fire Department's requirements. Approval from the Oceanside Fire Department confirms compliance with relevant fire regulations, including the design of surrounding drives at a minimum width of 35 feet to accommodate emergency access adjacent to the proposed 45-foot-high structure. The circulation and emergency access drives have been planned in collaboration with Oceanside Fire Department personnel to meet all regulatory standards. Importantly, the proposed project will not necessitate the complete closure of any public or private streets or roadways during construction or operations, ensuring unimpeded access for emergency vehicles to both the project site and surrounding areas. Furthermore, as addressed in DEIR Sections 4.8 and 4.17, the project does not impair applicable emergency response and evacuation plans and will have a less-than-significant impact.
- The commenter argues that delayed first responder response times are not included in the DEIR. Please see Thematic Response 1 regarding this issue.
- I63-22 The commenter, concerned about potential catastrophic weather impact, asserts that the DEIR did not address evacuation of employees. Please refer to Thematic Response 1 and Responses to Comments I63-20 and I63-21 for a discussion of this issue.
- 163-23 The commenter argues that the DEIR did not consider alternative energy use, specifically highlighting the mandated use of lithium batteries in California by 2030 for both ground freight shipment and motorists. In response, the DEIR addresses the project's energy usage in Section 4.5, which includes

- a discussion of the project's alternative energy components and a discussion of compliance with applicable regulations, such as California Green Building Code Title 24 requirements.
- The commenter argues the DEIR fails to analyze the project's impacts on the Abbey's scenic vista. They also question the evidence supporting the DEIR's analysis of light and noise impacts. Please refer to Response to Comment I63-1 in relation to the Abbey and to Responses to Comments O1-4 and O3-5.
- The commenter expresses an opinion that the DEIR did not address noise impacts related to low frequency sounds. Please see Response to Comment 010-15 regarding that issue.
- 163-26 The commenter presents a calculation from the Wanis View Wildlife Preserves comment letter regarding noise levels from a single diesel Class 8 truck at a warehouse site. Please refer to Response to Comment 163-25.
- 163-27 The commenter reiterates the argument presented above about the impact of low frequency sound on sensitive habitats. Please refer to Response to Comment I63-25.
- 163-28 The commenter summarizes the comments made earlier in the letter. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenter offers the author's view of the types of projects that should be approved. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- 163-30 The commenter argues that the project should be denied. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The commenter criticizes the DEIR for inadequately addressing the potential harm to habitats vital for multiple species, include the least Bell's vireo. In response, the potential for impacts to least Bell's vireo was analyzed and surveyed as part of the biological technical report prepared for the project (Appendix C to the EIR) and discussed in the DEIR. Please refer to Section 4.3 of the DEIR, which includes an analysis of impacts to biological resources, and proposed mitigation. As disclosed in the DEIR, the project's direct and indirect impacts to biological resources, including the least Bell's vireo, will be less than significant.
- 163-32 The commenter reprints a quote from the Wanis View Volunteers letter. Please see Response to Comment 010 for a discussion of the issue.
- 163-33 The commenter reprints a quote from the Wanis View Volunteers letter. Please see Response to Comment 010 for a discussion of the issue.

Comment Letter 164

Robert Dmohowski

From: C Stone <stone2ofus@sbcglobal.net>
Sent: Monday, January 1, 2024 1:46 PM

To: Robert Dmohowski

Cc: Dee Keck
Subject: Eddie Jones EIR

Warning: External Source

As an Oceanside Homeowner, I once again NEED to cast my opinion. Firstly, we remain as part of the solution not the problem. My husband volunteers at the Oceanside Harbor and is a California Viet Nam Vet. We have put children and grandchildren thru college and help with our special needs greatgrandchildren. We are very community involved.

The additional traffic all but cuts us off from most emergency services. As seniors it was expensive to retire in our Oceanside home but we chose to retire in a safe area. The Eddie Jones project is clearly making any medical, fire, or emergency services invalid.

This entire plan needs to be reworked and downsized. They refuse to make any real commitment for road upgrades. The smaller use building is a joke! If they are serious they need to make the building smaller, not leave bay areas not being used. If they are allowed to build a building that has potential to open new areas we all know they will add as they wish.

Everybody needs to look at the true ramifications and not let them gloss over future plans.

Your involved review and help to STOP this venture, as is, is imperative.

Carol Stone. 532 Blue Jay Ct Oceanside, CA. 92056 760)644-1689 64-1

164-2

164-3

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Response to Comment Letter 164

Carol Stone January 1, 2024

- The commenter states they are a homeowner in Oceanside and are active in the community. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment raises concerns about the potential impact of the project on emergency services access due to an increase in project traffic. Impacts related to emergency access are analyzed in the DEIR in Section 4.8, Hazards and Hazardous Materials; Section 4.13, Public Services; and Section 4.17, Wildfire. Additionally, please see Thematic Response 1 for a discussion of evacuation plans in more detail. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.
- The comment expresses general opposition to the size of the project, and the commenter shares opinions of how the project should commit to further road upgrades, fewer truck bays, and a smaller building footprint. Please see Thematic Response 6 regarding the reduction in the number of truck bays. The comment does not raise any specific issues concerning the adequacy of the DEIR; therefore, no further response is required.

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