# STAFF REPORT

ITEM NO. 18

CITY OF OCEANSIDE

DATE: March 19, 2008

TO: Honorable Mayor and Members of the City Council

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A CONCRETE MIX PLANT AND MATERIALS HANDLING OPERATION AND INSTALLATION OF A 12,000-GALLON ABOVEGROUND FUEL TANK LOCATED AT 2847 INDUSTRY STREET – ROBERTSON'S OCEANSIDE CONCRETE MIX PLANT**

## SYNOPSIS

The item under consideration is an appeal of the Planning Commission's decision on Development Plan (D-7-07) and associated Conditional Use Permit (C-12-07). The aforementioned entitlements were considered and denied by the Commission and the Mitigated Negative Declaration was adopted on January 28, 2008. The proposal involves development of a 2.95-acre site with a concrete mix plant and installation of a 12,000-gallon aboveground fuel tank located at 2847 Industry Street. The applicant appealed the denial of the project and a call for review was timely filed by Councilmember Sanchez for review of the adoption of the Mitigated Negative Declaration. Staff is recommending that following the review, the City Council approve the project and affirm the Planning Commission's adoption of the associated Mitigated Negative Declaration.

## BACKGROUND

The property is designated for General Industrial (GI) land uses in the General Plan and is zoned Industrial General (IG), which allows a full range of industrial, manufacturing and processing uses. The proposed concrete mix plant is classified as an Industrial General use - a permitted use within the subject zoning district. The project requires processing of a Development Plan to allow construction of the proposed building and site improvements and a Conditional Use Permit to allow installation of a 12,000-gallon fuel tank.

The site has been used for wood truss manufacturing and is partially developed with several structures and paved areas. Industrial land uses surround the property to the north, west and east. Loma Alta Creek abuts the property to the south.

The applicant estimates that the City of Oceanside will receive approximately $230,000 in annual sales tax revenue from the project. The concrete prepared and sold from this facility may be used in projects in other cities, but a condition has been placed on the project that stipulates that the City of Oceanside will be considered as the point of sale for any and all materials prepared on and sold from the subject site.

The Planning Commission held a public hearing on the project on October 23, 2006. The Commission approved the development proposal with a 4-to-3 vote. Following the hearing and prior to the end of the appeal period, a call for review was filed. The stated reasons for the review were the project's impacts to the environment: traffic, noise, quality of life on the surrounding neighborhood and adequacy of the evidence to support the required findings for approval of the Development Plan and Conditional Use Permit. The applicant withdrew its application prior to the City Council hearing conducted an initial study and CEQA review and subsequently filed a new application. A Mitigated Negative Declaration was prepared that analyzed all issues originally raised in the call for review. The project and Mitigated Negative Declaration are the subject of this report.

The most recent Planning Commission public hearing and deliberations on the project were held on January 28, 2008. The Commission denied the development proposal by a 5-to-2 vote and adopted the Mitigated Negative Declaration by a 5-2 vote. Following the hearing and prior to the end of the appeal period, a call for review of the adoption of the Mitigated Negative Declaration was filed and the applicant filed an appeal of the Planning Commission's decision to deny the project. The stated reasons for the review of the Mitigated Negative Declaration were that the project's impacts to the environment: hydrology, water quality, air quality, traffic noise, floodplain, cumulative impacts, and adverse effects on the quality of life of surrounding neighborhoods were not adequately addressed. This report identifies and addresses the issues raised by the call for review.

**Project Description**: The proposed facility is a concrete manufacturing plant that will produce "ready mix" concrete for use in construction. The manufacturing plant would process a maximum of 1,200 cubic yards of concrete per day. The proposed project includes an enclosed aggregate storage building with a 12,000-gallon aboveground diesel fuel storage tank, as well as a batch plant and office building. The remainder of the site would consist of two detention basins, parking, and landscaping.

The project has been designed to recycle industrial water and would utilize detention basins in order to capture water and also protect water quality. Proposed vehicles include 17 employee vehicles (to be parked on-site during business hours), 15 ready-mix trucks (parked on-site during off-business hours), 10 sand/aggregate trucks (parked off-site), and four cement trucks (parked off-site). The sand/aggregate and cement trucks are to be parked off-site overnight at their respective sand/aggregate and cement facilities. A total of 18 on-site parking spaces, 15 driver spaces, and three office spaces, one of which is handicapped accessible, are proposed to be provided.

The proposed facility would operate from 6:00 A.M. to 6:00 P.M. Monday through Saturday. Deliveries of materials could occur between 6:00 A.M. to 9:00 P.M. Monday

through Saturday. The plant would be operated by two on-site employees. Off-site employees would consist of a maximum of 15 drivers. A maximum of 120 concrete truck deliveries per day are projected.

**Facility Description:** The proposed facility would include the following elements:

**a. <u>Materials Storage Building</u>** – The materials storage building (approximately 9,440 square feet) would be 30 feet high and would be located in the northwestern corner of the site. The materials storage building would be designed to store and "recover" aggregate and sand.

Bottom dump trucks would deliver aggregate and sand from quarries outside of the project site and unload in an underground hopper just south of the building. The materials would then move through a system of conveyor belts into storage bins within the building. When needed by the batch plant, the materials (aggregate and/or sand) would be "recovered" through underground tunnels and transported by conveyor belts from the materials building to the batch plant located approximately 60 feet to the east. The materials storage building would be able to hold enough aggregate and sand for approximately two to three days of operations. On average, 62 truck deliveries (bottom dump trucks) per day would be required to keep the materials storage building supplied with enough sand and aggregate for day-to-day operations.

**b. <u>Batch Plant</u>** – The batch plant would consist of a concrete batch plant building (40 feet in height); two cement silos (65 feet in height); and a 1,005-square-foot batch office (14 feet in height). The architectural elevations for the batch plant are those of a typical modern commercial or industrial building. The single alley (only one truck loading area) concrete batch plant would contain a slurry blender which mixes the cement with water prior to adding the sand and aggregate. The water is precisely measured electronically to the concrete which reduces emissions and increases efficiency as compared to adding the water manually. The concrete ingredients are stored in the materials storage building and transferred to the batch plant as needed. The concrete ingredients would include Portland Cement (12 percent), fly ash (2 percent), sand and rock (aggregate) (78 percent) , water (8 percent), and small quantities of concrete admixtures (<1 percent). The slurry blender would mix the ingredients in an enclosed drum mixer and then transfer the concrete directly into a ready mix truck.

The Portland Cement would be stored in silos located within the batch plant building and transferred to the silos from delivery trucks which use compressed air to blow the cement into one of the three overhead storage silos. The silos would be completely enclosed and the air used for the transfer vented through a series of filters which remove emissions. The fly ash would be handled in a manner similar to the cement and together the fly ash and cement are the "glue" that holds concrete together. The concrete admixtures are used in some circumstances to enhance the characteristics of the concrete and can consist of water reducers (increases strength), accelerators (increase early strength), or color pigments for architectural concrete.

The batch plant would include doors that automatically close once the truck is inside the plant (the proposed facility will be 100 percent enclosed, unlike traditional facilities). The doors have been designed to decrease noise levels by a minimum of 15 dB as described further in the Noise section of this document. The doors would be designed to give the building more of a commercial rather than industrial look.

**c. Aboveground Fuel Storage Tank** – The aboveground fuel storage tank would be used to store up to 12,000 gallons of diesel fuel. The tank would be of double-wall construction, would meet all government standards for fuel storage, and would include a secondary containment system to prevent the escape of fuel in the event of leakage or spillage. The storage tank would require approval of a conditional use permit. In the event of a complete failure of the 12,000-gallon storage tank, the southern on-site detention basin would have more than sufficient capacity (73,000 gallons) to detain the diesel fuel and keep it from reaching Loma Alta Creek.

**d. Office Building** - The office building or "batch office" would be the only "occupied" building on the site and would be a single-story, approximately 1,005-square-foot, 14-foot-high structure used as a sales office. There would be three parking spaces allocated for the office workers, one of which would be handicapped accessible.

**e. Detention Basins** – The project proposes two main detention areas. Stormwater runoff and industrial waste water would be captured by the detention area around the batch plant and recycled. A second on-site detention basin would capture stormwater runoff from the paved areas that are not related to the facilities. The detention basins would be concrete lined and the southerly stormwater detention basin has been designed to decrease runoff in a 100-year storm event from pre-project conditions of 14.01 cubic feet per second (CFS) to 8.43 CFS post project runoff. The basin would have a capacity of approximately 73,000 gallons before overflowing the weir which equates to approximately 13 hours of a 100-year storm event.

The detention basins would not percolate and stormwater detained in the 73,000-gallon southern detention basin would be pumped via an 18-gallon-per-minute pump back to the batch plant to be recycled. Potential pollutants captured by this detention facility will settle to the bottom of the basin and be removed by maintenance crews. Only after the thirteenth hour of a 100-year storm event would the stormwater overflow the southern detention basin via a concrete spillway and be bio-filtered by the landscaping and natural vegetation buffer prior to entering Loma Alta Creek.

A small portion of the site, the concrete driveway in the northeastern corner, because of the grade, would not drain directly to the southern detention basin. Instead, stormwater generated by this paved area would drain to an inlet (storm drain B) located within the driveway and travel via an underground pipeline to the southwest corner of the site where it would be treated by a gravity separator located adjacent to the southern detention basin then released into the natural vegetation adjacent to the creek.

**f. Other Site Improvements** – Implementation of the proposed project would result in approximately one acre of the 2.95-acre project site being graded for project access or parking. The driveway and parking areas would be paved with six inches of concrete. Grading and paving would occur only in areas that are currently paved or previously disturbed. The 0.36-acre of natural vegetation along Loma Alta Creek would not be disturbed. Other project elements would include open space landscaping designed to screen the project and improve aesthetics. The project will preserve 0.36 acre of native habitats on-site, including Loma Alta Creek and the 100-foot-wide vegetated buffer that would separate the plant from Loma Alta Creek to the south. The buffer would consist of a 50-foot-wide conservation buffer and minimum 50-foot-wide planning buffer that would protect the creek from batch plant activities. The entire buffer area, including the creek, would be preserved in perpetuity within a conservation easement. This buffer is consistent with the Loma Alta Creek Watershed Management Plan and City's Draft Subarea Plan and is the first 100-foot-wide buffer to be provided along Loma Alta Creek.

**g. Water Supply -** The primary source of water used in the making of the concrete would be via the City's water system. However, the project proposes to provide a supplemental source of water. This supplemental (recycled) water would be pumped from the holding basin which would capture water collected during operations or storm events. As much as one-third of the water used by the proposed facility would be recycled.

The project is subject to the following ordinances and City policies:

1. Zoning Ordinance
2. General Plan
3. Loma Alta Creek Watershed Management Plan
4. Draft MHCP Subarea Plan

## ANALYSIS

**Consistency with the underlying land use designation, zoning ordinance, and surrounding land uses:** The zoning designation for the site is IG (General Industrial). The site is currently being used by a roof truss company consistent with the underlying IG Zone. The proposed concrete mix plant is classified as an Industrial General use - a permitted use within the subject zoning district. The General Plan Land Use for the site is General Industrial (GI). The subject designation permits a full range of industrial manufacturing and processing uses. The proposed batch plant is a permitted use within this land use category. The 12,000-gallon aboveground storage tank requires approval of a conditional use permit. The tank and spill containment system is in compliance with all local, state, and federal laws and will not impact Loma Alta Creek to the south.

The tallest structure element of the proposed concrete plant (concrete silos) will be 65

feet, which is within the maximum allowable height of 80 feet. Approximately 50 percent of the site would be landscaped with native plants in the 100-foot buffer area and a mixture of native and non-invasive landscaping on the remainder of the site. This exceeds the applicable minimum landscaping requirement of 12 percent. The project meets or exceeds all other applicable development standards including setbacks and parking requirements.

The site and all properties to the north, east and west are either zoned or currently in use as heavy industrial uses. As stated above, Loma Alta Creek to the south would be buffered by a vegetated 100-foot buffer. The railroad tracks and open space are further to the south. The proposed concrete batch plant will be totally enclosed in a building designed to look like a modern commercial/industrial structure, which is compatible with well-designed industrial buildings along the eastern part of Industry Street. The Oceanside Boulevard Visioning Process (2007) acknowledged that some of the industrial/commercial uses in the eastern portion of Industry Street were well designed and landscaped. The Robertson's Plant would be consistent in terms of design and landscaping with these industrial users. In addition, the City Council chose not to designated properties in the corridors as Interim Study (IS) under the Zoning Ordinance. The Interim Study (IS) designation would have required specific findings that the project is consistent with the Vision Plan.

**Consistency with local, state, and federal environmental plans/policies:**

Staff has reviewed the project and determined that with the implementation of project conditions and mitigation measures discussed above, no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design.

A Mitigated Negative Declaration (MND) was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA). An environmental impact report (EIR) was not deemed to be required under CEQA because all potential environmental impacts were analyzed and fully mitigated as identified in the MND and have also been addressed through appropriate and innovative site design. Site planning of the proposed concrete batch plant is sensitive to Loma Alta Creek and open space properties to the south. The concrete mix facility will be enclosed by concrete tilt-up walls and designed in a manner that projects a high-quality industrial project thus minimizing noise and aesthetic impacts to adjoining uses. Landscaping and perimeter walls will provide screening and buffering between public right-of-way and the proposed use. The following are key environmental elements that have been addressed for the proposed project:

<u>Traffic Impacts/Traffic Impact Analysis</u>: The concrete plant is capable of producing up to 1200 cubic yards of ready-mix concrete a day. Truck traffic generated by this project is projected to use Industry Street and other major roadways in the area such as El Camino Real and Oceanside Boulevard and will not use residential streets north of Oceanside Boulevard.

A Traffic Impact Analysis (September 5, 2007) was prepared by LOS Engineering, Inc., for the Robertson's Concrete Plant. The project's traffic generation was calculated using traffic data from similar concrete manufacturing plants owned and operated by Robertson's throughout Southern California. A Passenger Car Equivalent (PCE) factor of 2.0 from the Highway Capacity Manual was applied to trucks to account for slower operational characteristics. No credit was taken for replacement of the existing industrial use on the project site.

Based on the above conservative assumptions and potential maximum concrete production of 1200 cubic yards daily, it was concluded that the concrete plant will generate 802 average daily trips. Oceanside Boulevard will operate at acceptable levels of service with and without project traffic under both existing and future conditions and under both production capacity scenarios. It should be noted that the project, depending on maximum daily production, will generate only 418 *actual* daily trips, with the difference due to the PCE factor. If the site was developed with an alternate industrial use, that use could generate up to 450 daily trips whereas an office development proposal could result in up to 1,800 daily trips.

El Camino Real is a six-lane prime arterial. The majority of truck traffic anticipated to use El Camino Real will do so via Industry Street for southbound access to State Route 78. The addition of truck traffic on El Camino Real and Oceanside Boulevard is not expected to impact peak traffic and commuter conditions on these streets since the majority of plant operations occur between peak traffic periods. However, the following traffic conditions have been included in the project resolution to ensure good roadway operations in the project vicinity:

- The project shall increase the left turn pocket at least 50 feet at the existing median island located on northbound El Camino Real at Industry Street. This improvement shall be completed to the satisfaction of the City Engineer.
- At the intersection of Foussat Road and Oceanside Boulevard, the project shall replace the existing traffic signal controller and cabinet, install a battery backup system and install traffic signal mast arms and signal heads on Foussat Road prior to the issuance of certificate of occupancy and to the satisfaction of the City Engineer.
- At the intersection of Garrison Street and Oceanside Boulevard, the project shall install a new battery backup system prior to the issuance of certificate of occupancy and to the satisfaction of the City Engineer.

Hydrology/Water Quality: The site is currently partially paved and developed with buildings. Approximately 29 percent of the property is currently impervious. Existing storm runoff generally sheetflows from a northeastern to a southwest direction into Loma Alta Creek. The proposed project will increase the impervious area by about 10 percent.

The proposed improvements include new buildings, paved driveways, parking lot and landscaped areas. Post-construction imperviousness of the site will increase to about 39

percent. As designed, the concrete batch plant will be located in a shallow retention basin to collect the industrial wastewater during normal operations for recycling through the plant. This area incorporates a grade break that allows runoff to flow around it. The pond is deep enough to hold the required runoff from the area and high enough to keep other site water from entering it. This basin can hold the equivalent of a 100-year storm event. Most water will be recycled back through the plant, however, a biofilter and natural vegetation is included in the site design to provide the additional treatment for site runoff.

Washing of equipment and vehicles will take place adjacent to the batch plant building area. Runoff generated from these washing activities will be captured by the shallow retention basin and recycled for use in the plant. Accumulated water at the materials storage system area will be pumped back to the batch plant for normal operations or dust-control. The fueling area will be paved with Portland cement concrete or equivalent smooth impervious surface. The subject area will be constructed with a grade break to prevent ponding, as well as to prevent run-on of urban runoff.

The subject project is located adjacent to Loma Alta Creek, south of Industry Street, and east of Foussat Road. The current adopted Federal Emergency Management Agency's (FEMA) mapped base flood elevations and floodway limits for Loma Alta Creek in this area are shown on the Flood Insurance Rate Map (FIRM) Panel 754 of 2375 (Map Number 06073C0754 G), revised January 19, 2001. The proposed project is required to comply with all the FEMA requirements (Title 44 of the Code Of Federal Regulations (CFR) parts 60.3(b) and 60.3(c).1-14) relative to elevating floor elevation above the base flooding (100 year frequency), as well as no fill or encroachment into the mapped floodway areas which will result in any increase in the base flood elevation.

In 2001, the City of Oceanside submitted a Conditional Letter of Map Revision (CLOMR) to FEMA for Loma Alta Creek. This document includes a proposal to construct detention basins in effort to reduce the downstream flooding potential and minimize floodplain area. To date, two of the four proposed basins have been constructed.

More recently, the North County Transit District (NTCD) has submitted a CLOMR that proposes encroachments into the Loma Alta Creek floodway. For the area adjacent to the Robertson's project, the NCTD CLOMR represents a reduced floodway and a base flooding (100-year frequency) similar to the current adopted FIRM. Mitigation of the NCTD impact relies upon the completion of all four City retention basins. The City has provided comments to NCTD, on their proposed CLOMR, in a letter dated January 10, 2008. The present site design for the Robinson Ready Mix project complies with FEMA's current FIRM, the City's CLOMR, and the proposed NCTD CLOMR.

Water Quality: The project is subject to compliance with City of Oceanside and Regional Water Quality Control Board (RWQCB) requirements which require compliance with the following State regulatory requirements: Statewide General Construction Stormwater Permit, Industrial Stormwater Permit, Aboveground Petroleum Storage Act, and Clean Water Act Section 401 Water Quality Certification. No discharge of polluted industrial

wastewater into Loma Alta Creek will be permitted. The Regional Water Quality Control Board (RWQCB) has reviewed the development plan and conditional use permit for the project and has concluded that compliance by Robertson's with State and City of Oceanside requirements will mitigate potential impacts to water quality from the project.

A Stormwater Management Plan (2007) was prepared by Lyle Engineering, Inc., and has been reviewed and approved by the City Engineer. The purpose of the Stormwater Management Plan was to address any potential water quality impacts related to the Robertson's Concrete Plant. The Plan evaluated and addressed the potential pollutants associated with this project and their effect on water quality. In order to address water quality for the project, Best Management Practices (BMPs) will be implemented.

Air Quality: Oceanside falls within the San Diego Air Basin and the jurisdiction of the San Diego County Air Pollution Control Board and District (SDAPCD). Therefore Robertson's development proposal will be subject to review and approval by SDAPCD, prior to issuance of grading permits.

SDAPCD's mission is to protect the public from harmful effects of air pollution and achieve and maintain air quality standards. The District's permit system ensures that potentially polluting operations and industrial equipment meet the emission standards set forth by District rules and regulations and by applicable sections of the Health and Safety Code.

The proposed concrete batch plant dust-generating activities are proposed to be enclosed; bag houses and filter vents will be used to further reduce dust emissions at transfer points, and enclosed conveyors have been incorporated in the project design.

During operations, trucks would enter the site to deliver raw materials, including sand and rock to a drive-over hopper. The materials will be transferred from the truck underground, reducing any dust emissions from the activity. The materials will then be conveyed to an enclosed storage area. When the cement is delivered to the site it will be blown from the trucks into overhead, enclosed silos within the plant. The air used for transfer of the cement to the silos will be vented through a series of filter vents to remove particulate/dust emissions. The cement would then be gravity-fed to weigh hoppers.

Ready-mix trucks would enter where aggregates and the cement/water mixture is delivered into the truck. A shroud would drop over the truck when the concrete is being loaded and a negative bag house will vent any dust or particulates. Dust emissions from within the batch plant will be passed through filter vents and negative-pressure bag houses, which reduce particulate emissions by removing particles from the air to the filter. Due to the enclosed nature of the mixing plant and the entire facility, and the dust control measures in place, including enclosed conveyors and filter vents, any potential dust emission from operations of the plant are anticipated to be minimal and will be in compliance with Oceanside Code requirements and SDAPCD regulations.

Noise: A noise study was prepared by Giroux & Associates (2007) to analyze any potential noise impacts from the proposed project. The underlying land use and zoning designation for the site is General Industrial. The General Industrial designation accommodates a full range of industrial manufacturing and processing uses. The site is surrounded by industrial-zoned parcels on all sides except to the south where it adjoins the railroad and residential-zoned property currently approved as open space as part of the Eternal Hills project. The proposed batch plant is a permitted use within the industrial zoning category.

The City's Municipal Code includes a Noise Ordinance, which implements the goal and policies contained in the Noise Element of the General Plan and identifies acceptable noise levels for individual zoning districts within the community. It is unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property on which the sound is produced exceed the applicable limits set in the Oceanside City Code, Chapter 38 Noise Control, Section 31.12. Where property lines form the joint boundary of two district zones as is the case in this instance, the sound level limit is the mathematical mean of the limit applicable to each of the zones. The applicable daytime (7:00 a.m. to 9:59 p.m.) sound limit standard for the subject property is 60 dB. At night (10:00 p.m. to 6:59 a.m.) the noise standard is 55dB.

The project's structures are fully enclosed and the project will be subject to compliance with City Noise Ordinance requirements. During construction, work hours shall be limited to between 7:00 a.m. and 6:00 p.m Monday through Friday and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Therefore, the noise study found that at the property lines, noise from the plant will not exceed 48 db, which is within the limits of 60 db during the daytime and 55 db at night.

Cultural Resources: A cultural resources survey was conducted for the proposed project, which found that there have been no recorded sites on the project site or in the immediately surrounding area. However, there are noted sites as close as 750 feet northeast of the project site and 2,000 feet to the southeast on the Eternal Hills project area. Because of the proximity of these sites, a monitoring program is being required during initial site grading in the event that any cultural resources are discovered.

Biology: No direct impacts to Loma Alta Creek or any native habitat will occur with project implementation and no permits are required from the Wildlife Agencies. The City has adopted the Loma Alta Creek Watershed Management Plan (LACWMP) and is in the process of adopting the City's Draft Subarea Plan. Both plans call for a minimum 100-foot buffer from Loma Alta Creek. The buffer is to be comprised of a 50-foot biological or vegetated buffer and an additional 50-foot planning buffer that would contain no parking or high use areas. The proposed project has provided a 100-foot buffer (see Condition 121) in conformance with these requirements that would be landscaped with native plants that could support the threatened California gnatcatcher and is compatible with riparian vegetation in the creek. The southernmost concrete detention basin will be in a portion of the second 50-foot planning buffer and will not be a high-use area. The 100-foot buffer

will be placed under a conservation easement and will ensure that there are no indirect or direct impacts to Loma Alta Creek. This is the first 100-foot buffer to be provided along Loma Alta Creek.

The City's draft Subarea Plan shows the subject property to be within the Wildlife Corridor Planning Zone. Properties larger than 2 acres are required to conserve 50 percent of the parcel as open space, and may remove no more than 25 percent of the coastal sage scrub. No coastal sage scrub will be impacted by the proposed project, but will actually be restored and expanded into the 100-foot buffer area adjacent to Loma Alta Creek. Forty six percent of the site is currently shown as open space and the project has been conditioned to provide a minimum 50 percent open space either onsite or provide the additional 4 percent open space at an offsite area to be approved by the City.

**Conclusion**: Upon review of the operational and design characteristics of the batch plant, staff has concluded that the project's location is appropriate. As mentioned, the underlying land use and zoning for the site is General Industrial. The General Industrial designation is intended for a full range of industrial manufacturing and processing uses. The proposed batch plant is a permitted use within this land use category.

The tallest structure element of the proposed concrete plant (concrete silos) will be 65 feet, which is well within the maximum allowable height of 80 feet. The site will be heavily landscaped (50 percent) and will exceed the applicable minimum landscaping requirement of 12 percent. The project will meet or exceed all other applicable development standards including setbacks and parking requirements.

Areas of potential concern such as visual quality, hydrology/water quality, air quality, noise and biological impacts have been addressed through appropriate site design and conditions of project approval. Cumulative traffic, biology, and air quality impacts have been thoroughly addressed in the Mitigated Negative Declaration. The project will meet all local, state and federal environmental and land use requirements. Therefore, staff finds that the project will not adversely effect the quality of life of immediately surrounding land uses and neighborhoods north of Oceanside Boulevard or south of Loma Alta Creek and the railroad tracks.

## FISCAL IMPACT

Not applicable.

## COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on January 28, 2008. After hearing considerable public testimony from residents and the applicant, the Commission denied the project by a 5-2 vote. Commissioners indicated that the project site is physically suitable for the proposed development and land use; and that the project met applicable development standards, however they were concerned that the project would not be consistent with the future vision for the Oceanside Boulevard corridor. Potential

environmental impacts such as the floodplain issue were also cited as reasons for voting against the project by some of the Commissioners.

## CITY ATTORNEY'S ANALYSIS

The City Attorney's Office has reviewed the proposed resolution and approved it as to form.

In accordance with section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission.

The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

After the public hearing, the City Council shall affirm, modify or reverse the Planning Commission's decision as to each of the appeal items. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

## RECOMMENDATION

Staff has reviewed the issues raised under the call for review and finds that all of the concerns have been thoroughly addressed through the Mitigated Negative Declaration and conditions of approval as part of the attached City Council resolution, Resolution No. 2008-P05. The project meets all goals, objectives, and requirements of the City's General Plan and Zoning Ordinance, as well as the draft Subarea Plan and Loma Alta Creek Watershed Plan. Therefore it is staff's recommendation that the City Council approve the project and adopt the attached City Council resolution.

PREPARED BY

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SUBMITTED BY

Peter A. Weiss
City Manager

REVIEWED BY:
Michelle Skaggs Lawrence, Deputy City Manager
Mike Blessing, Deputy City Manager
Lauren Wasserman, Interim Development Services Director

**ATTACHMENTS:**

1. Area Map, Site Plan, Elevations, Architectural Guidelines
2. City Council Resolution for Mitigated Negative Declaration
3. City Council Resolution for Approval of Development Plan
4. Planning Commission Resolution No. 2008-P05
5. Planning Commission Staff Report dated October 23, 2006
6. Applicant's Appeal
7. Call For Review Appeal
8. Correspondence in support and against the project (copy available at the City Clerk's Office and City Manager's Office for review)
9. Final Mitigated Negative Declaration (distributed separately)

RECEIVED
AUG 2 2 2007
Planning Department

## FUELING AREA

Non-retail fuel dispensing areas shall contain the following:

1. Overhanging roof structures or canopy. The cover's minimum dimensions must be equal to or greater than the area within the grade break. The cover must not drain onto the fuel dispensing area and the downspouts must be routed to prevent drainage across the fueling areas. The fueling areas shall drain to the project's treatment control BMP(s) prior to discharging to the storm water conveyance system.
2. Paved with Portland cement concrete (or equivalent smooth impervious surface). The use of asphalt concrete shall be prohibited.
3. Have an appropriate slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of urban runoff.
4. At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

## Design Trash Storage Areas to Reduce Pollution Introduction

All trash container areas shall meet the following requirements (limited exclusion - detached residential homes):

1. Paved with an impervious surface.
2. Designed not to allow run-on from adjoining areas.
3. Screened or walled to prevent off-site transport of trash.
4. Include attached lids on all trash containers that exclude rain, or a roof or awning to minimize direct precipitation.

## Use Efficient Irrigation Systems & Landscape Design

Priority projects shall design the timing and application methods of irrigation water to minimize the runoff of excess irrigation water into the storm water conveyance system (limited exclusion - detached residential homes). The following methods to reduce excessive irrigation runoff shall be considered, and incorporated and implemented, where determined applicable and feasible by the City Engineer.

1. Employing rain shutoff devices to prevent irrigation after precipitation.
2. Designing irrigation systems to each landscape area's specific water requirements.
3. Using flow reducers or shutoff valves triggered by a pressure drop top control water loss in the event of broken sprinkler heads or lines.
4. Using soil moisture sensors to regulate irrigation.
5. Employing other comparable, equally effective, methods to reduce irrigation water runoff.

## Outdoor Processing Areas

Outdoor process equipment operations, such as rock grinding or crushing, painting or coating, grinding or sanding, degreasing or parts cleaning, landfills, waste piles, and wastewater and solid waste treatment and disposal, and other operations determined to be a potential threat to water quality by the City shall adhere to the following requirements.

1. Cover or enclose areas that would be the most significant source of pollutants; or, slope the area toward a dead-end sump; or discharge to the sanitary sewer system following appropriate treatment in accordance with conditions established by the City.
2. Grade or berm area to prevent run-on from surrounding areas.
3. Installation of storm drains in areas of equipment repair is prohibited.

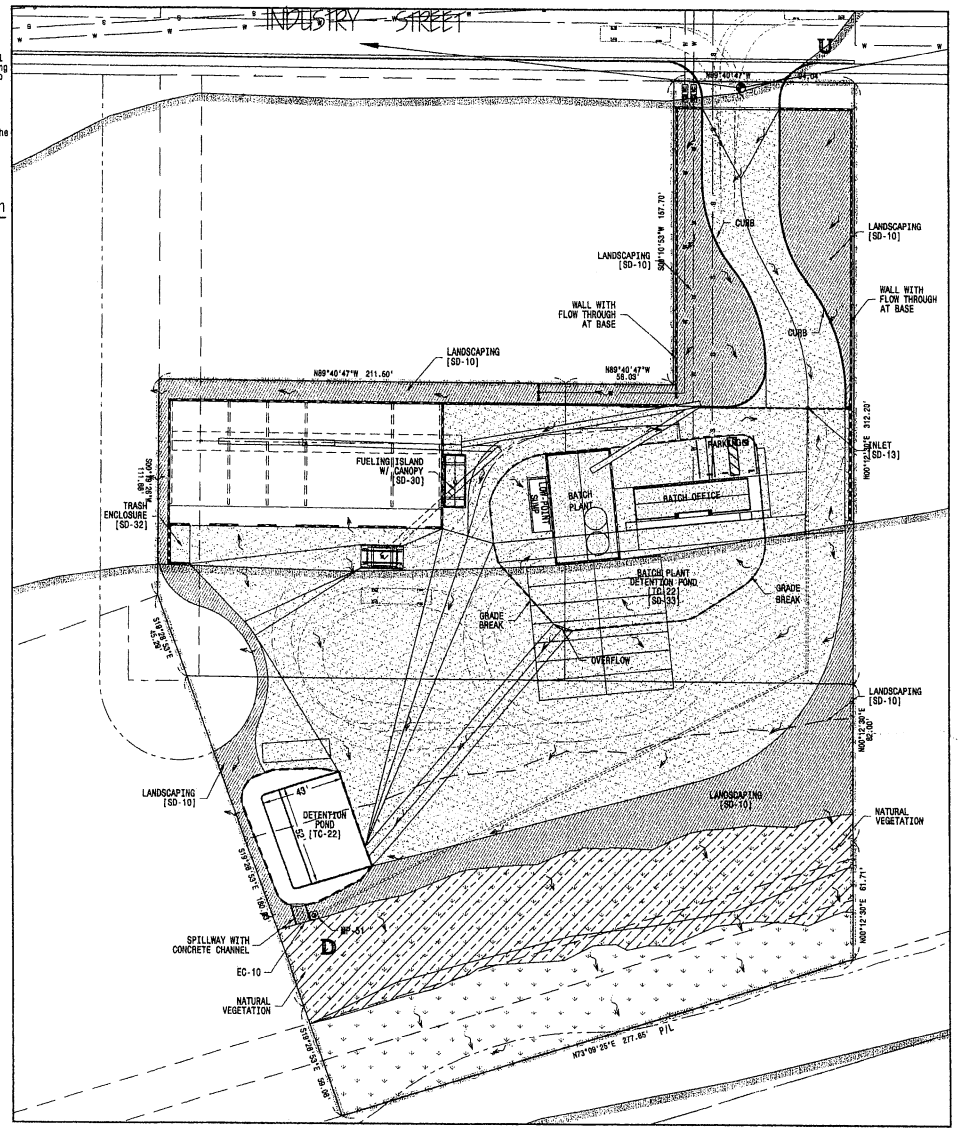
### BMPs FOR POST CONSTRUCTION

| LEGEND | *CASQA NO | DESCRIPTION |
|---|---|---|
| U | | UNDISTURBED SAMPLE LOCATION |
| D | | DISCHARGE SAMPLE LOCATION |
| | SD-10 | SITE DESIGN & LANDSCAPE PLANNING |
| | SD-13 | STORM DRAIN SIGNAGE |
| | SD-30 | FUELING AREAS |
| | SD-32 | TRASH STORAGE AREAS |
| | SD-33 | VEHICLE WASHING AREAS |
| | TC-22 | EXTENDED DETENTION BASIN |
| | | |
| | EC-10 | VELOCITY DISSIPATION |
| | | PRESERVATION OF NATURAL VEGETATION |
| | MP-51 | GRAVITY SEPARATOR STORMWATER TREATMENT DEVICE |

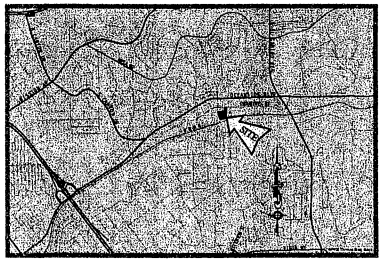
*CALIFORNIA STORMWATER QUALITY ASSOCIATION

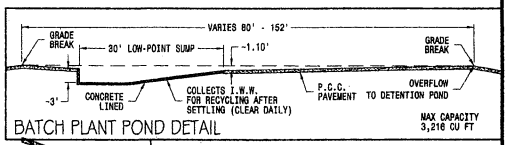
## RESPONSIBLE PARTY

| | |
|---|---|
| CONTRUCTION | MIKE TOOHEY (951) 760-4254 (24-HR MOBILE) |
| POST-CONSTR | MIKE TOOHEY (951) 760-4254 (24-HR MOBILE) |



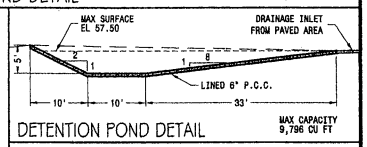

VICINITY MAP SCALE 1" = 2400'



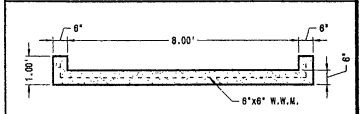

BATCH PLANT POND DETAIL

MAX CAPACITY 3,216 CU FT




DETENTION POND DETAIL

MAX CAPACITY 9,796 CU FT




SPILLWAY DETAIL

ATTACHMENT

PRELIMINARY NOT FOR CONSTRUCTION

REGISTERED PROFESSIONAL ENGINEER MICHAEL M. OROZCO NO. 61055 EXP. 12/31/08 CIVIL STATE OF CALIFORNIA

ENGINEER
MICHAEL OROZCO, PE
PO BOX 3800
CORONA, CALIFORNIA 92878
(951) 493-6494

PROJECT NUMBER D-8-05 / C-17-05

| SHEET 4 | CITY OF OCEANSIDE ENGINEERING DEPARTMENT | 4 SHEETS |
|---|---|---|

Post Construction BMP Map

Robertson's Oceanside Plant #31

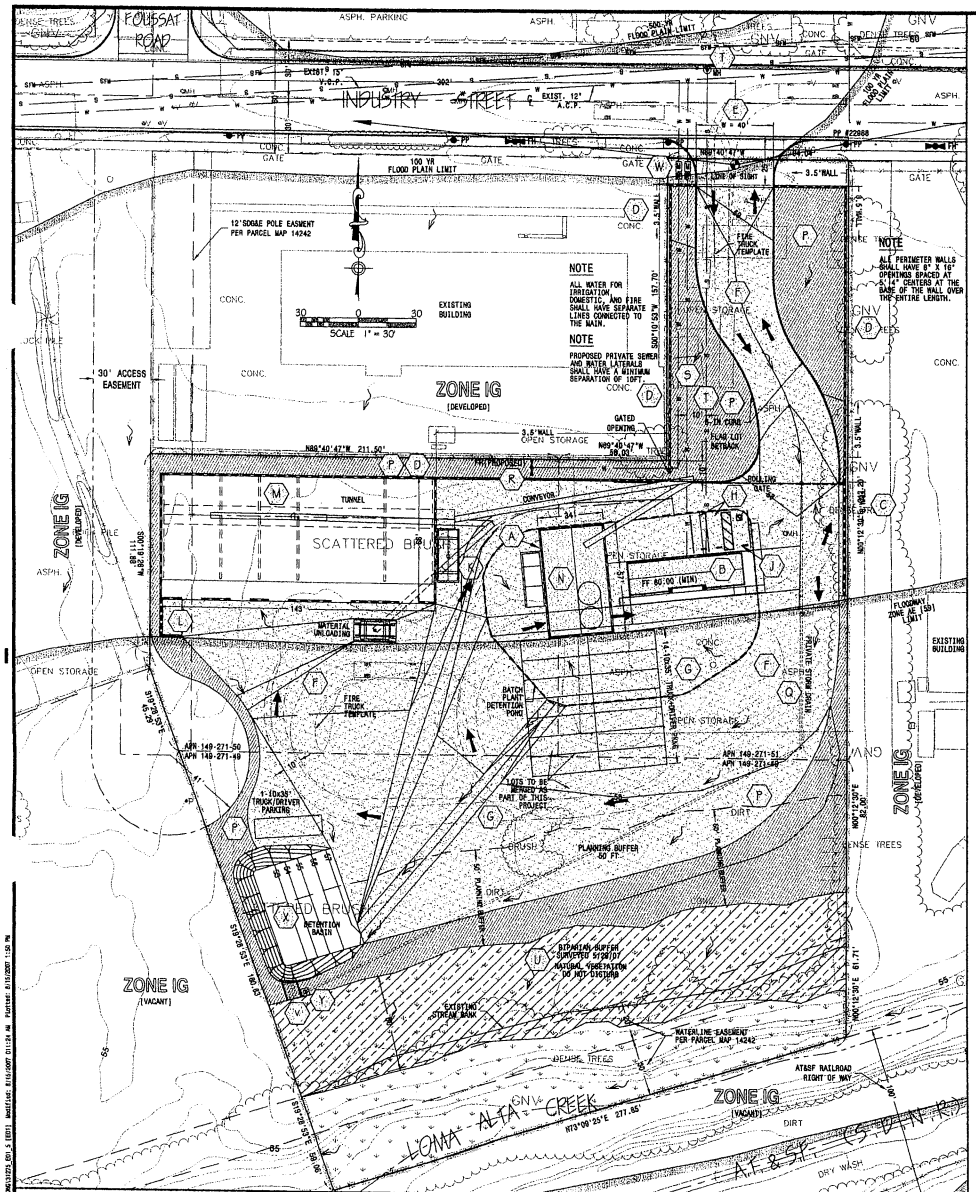
| APPROVED | | |
|---|---|---|
| MARLA DOYLE | R.C.E. 35580 | CITY ENGINEER |

| ENGINEER OF WORK | Checked By: | PLAN NUMBER |
|---|---|---|
| R.C.E. | Approval Date: | Not Assigned |

RECEIVED

AUG 2 2 2007

Planning Department




## SITE NOTES

- (A) PROPOSED 40'-0" HIGH CONCRETE TILT-UP BUILDING WITH ROOF.
- (B) PROPOSED SINGLE STORY BATCH AND SALES OFFICE (60'-0" x 16'-9").
- (C) PROPOSED 6'-0" HIGH DECORATIVE BLOCK PERIMETER WALL.
- (D) PROPOSED 3'-6" HIGH DECORATIVE BLOCK PERIMETER WALL.
- (E) PROPOSED CONCRETE DRIVEWAY ("W" = WIDTH) PER CITY STANDARD M-10 GATED WITH KEYED KNOX LOCK BOX.
- (F) PROPOSED 6" FULL CONCRETE PAVEMENT.
- (G) PROPOSED READY MIX TRUCK / DRIVER PARKING STALL 10'-0" X 35'-0". (15 SPACES)
- (H) PROPOSED STANDARD 8'-6" X 20'-0" AUTOMOBILE PARKING SPACE. 2 SPACES PROVIDED.
- (J) PROPOSED VAN ACCESSIBLE PARKING SPACE 14'-0" X 20'-0".
- (K) PROPOSED ABOVE GROUND STORAGE TANK (DIESEL) WITH CANOPY OR EQUIVALENT.
- (L) PROPOSED 8'-0" HIGH COVERED TRASH ENCLOSURE W/4-3'-0" WIDE SWINGING DOORS.
- (M) PROPOSED MATERIAL STORAGE AND RECOVERY SYSTEM WITH 30'-0" HIGH CONCRETE WALLS AND ROOF.
- (N) PROPOSED SINGLE-ALLEY CONCRETE BATCH PLANT.
- (P) PROPOSED LANDSCAPE AREA.
- (Q) PROPOSED PRIVATE STORM DRAIN.
- (R) PROPOSED FIRE HYDRANT.
- (S) PROPOSED PRIVATE 2" P.V.C. WATER LATERAL
- (T) PROPOSED PRIVATE 6" A.B.S. SEWER LATERAL WITH MANHOLE
- (U) PROPOSED CONSERVATION EASEMENT TO BE ESTABLISHED OVER A PORTION OF LOMA ALTA CREEK WHICH WILL INCLUDE THE 100 FT BIOLOGICAL AND PLANNING BUFFER.
- (V) PROPOSED 8' WIDE CONCRETE SPILLWAY
- (W) PROPOSED METER AND BACKFLOW DEVICE PER CITY OF OCEANSIDE STANDARD PLAN
- (X) PROPOSED 18 GPM PUMP TO RECYCLE WATER TO PLANT
- (Y) PROPOSED GRAVITY SEPARATOR STORMWATER TREATMENT DEVICE

## PROJECT DETAILS

BUILDING CODES APPLIED - CALIFORNIA BUILDING CODE 2001

TYPE OF CONSTRUCTION
BATCH OFFICE: "B-2" OCCUPANCY AND TYPE "V-N" CONSTRUCTION
BATCH PLANT : "F-2" OCCUPANCY AND TYPE "II-N" CONSTRUCTION

PROPOSED BUILDINGS

| | | HEIGHT |
|---|---|---|
| (B) | BATCH OFFICE | 14'(SINGLE STORY) |
| (N) (A) | BATCH EQUIPMENT | 65.0' |
| (M) | BATCH PLANT BUILDING | 40.0' |
| | MATERIAL SYSTEM | 50.0' |

| | | GROSS AREA |
|---|---|---|
| (B) | BATCH OFFICE | 1,005 SF (OCCUPIED) |
| (N) (A) | BATCH PLANT | 1,940 SF (WITHIN BATCH PLANT BUILDING) |
| (M) | BATCH PLANT BUILDING | 1,940 SF (NOT OCCUPIED) |
| | MATERIAL SYSTEM | 8,440 SF (NOT OCCUPIED) |
| | TOTAL | 1,005 SF (OCCUPIED) |

## LAND USE

ZONING - IG (INDUSTRIAL / GENERAL)
GENERAL PLAN - GENERAL INDUSTRIAL, GI
LAND USE - CURRENT = WOOD TRUSS MANUFACTURER
PROPOSED = CONCRETE BATCH PLANT

| | BEFORE PROJECT | AFTER PROJECT |
|---|---|---|
| BUILDINGS/STRUCTURES | 2,760 SF ( 2.3%) | 12,990 SF ( 10.3%) |
| PARKING/PAVED | 32,990 SF ( 27.0%) | 59,030 SF ( 43.8%) |
| LANDSCAPING | 0 SF ( 0.0%) | 21,210 SF ( 36.6%) |
| OPEN | 120,084 SF (100.0%) | 27,434 SF ( 9.1%) |
| TOTAL | 120,084 SF (2.76 AC) | 120,084 SF (2.76 AC) |

## PARKING

| | | BEFORE PROJECT | AFTER PROJECT |
|---|---|---|---|
| CAR | | | |
| REGULAR | ( 8.5' x 20') | UNK | 2 |
| VAN ACCESSIBLE | (14.0' x 20') | 0 | 1 |
| TRUCK + DRIVER | | | |
| REGULAR | (10.0' x 35') | 0 | 15 |

NOTE - DRIVER USES TRUCK SPACE FOR PRIVATE VEHICLE

## LIGHTING

- ALL OUTDOOR LIGHTING SHALL COMPLY WITH CHAPTER 39 OF THE CITY OF OCEANSIDE ORDINANCE FOR CLASS II LIGHTING.
- LOW PRESSURE SODIUM LAMPS SHALL BE USED AS THE PREFERRED ILLUMINATING SOURCE. OTHER EQUIVALENT LIGHT SOURCE NOT EXCEEDING 4050 LUMENS MAY ALSO BE USED.
- LIGHTING SHALL BE FULLY SHIELDED WHERE FEASIBLE. PARTIALLY SHIELDED IN ALL OTHER CASES AND SHALL BE FOCUSED TO MINIMIZE THE AMOUNT OF LIGHT DIRECTED INTO THE SKY.

## FEMA

- PROJECT SHALL COMPLY WITH ALL FEMA RULES AND REGULATIONS

# 2847 INDUSTRY STREET
## PARCEL MAP 14242
T.P.M. 1182

## LEGAL DESCRIPTION

PARCELS 2, 3 AND 4 OF PARCEL MAP NO 14242 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 9, 1986 AS FILE NO 86-138887 OF OFFICIAL RECORDS.

## ASSESSOR PARCEL NUMBERS

149-271-49 149-271-50 149-271-51

## SCOPE OF WORK

- FOUNDATION SYSTEM FOR EQUIPMENT ONE(1) CONCRETE BATCH PLANT (TRANSIT-TYPE), TWO(2) SILOS, VARIOUS STORAGE, BINS, BELT CONVEYORS AND TUNNELS).
- RETAINING WALLS FOR A MATERIAL HANDLING SYSTEM FOR ROCK AND SAND.
- PAVED ROADWAYS FOR ACCESS FROM STREET TO EQUIPMENT.
- A SINGLE-STORY 16.75' x 60.00' BATCH OFFICE AND DRIVER'S ROOM.
- ADA COMPLIANT RAMP ADJACENT TO BATCH OFFICE AND DRIVER'S ROOM.
- 12,000 GALLON ABOVE GROUND FUEL TANK.
- LANDSCAPE AREA AND PERIMETER WALLS IN COMPLIANCE WITH ORDINANCE.
- MERGE PARCELS 2, 3 AND 4 OF PARCEL MAP NO 14242.

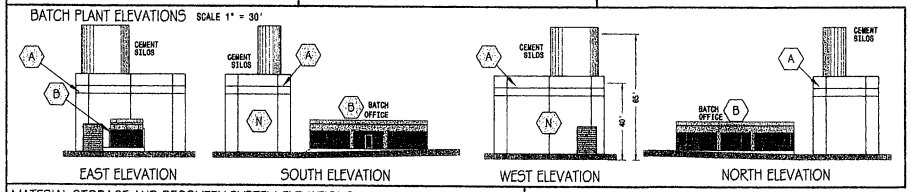

OWNER
INDYARD, LLC
C/O JOHN W. ROONEY
12520 HIGH BLUFF DRIVE
SAN DIEGO, CA 92130
(858) 792-8370

ENGINEER
MICHAEL OROZCO, PE
PO BOX 3600
CORONA, CALIFORNIA 92878
(951) 493-8494

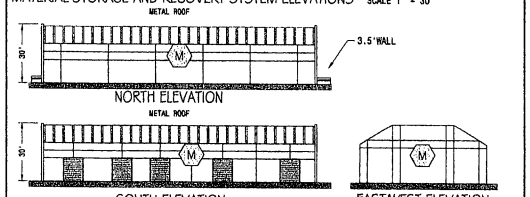
APPLICANT
ROBERTSON'S READY MIX
200 SOUTH MAIN STREET
CORONA, CALIFORNIA 92882
(951) 685-2200


- DRAINAGE STUDY PREPARED BY JAMES CRAIG PHILLIPS, PE (REVISED JULY 18, 2007)
- STORM WATER MITIGATION PLAN PREPARED BY LYLE ENGINEERING (REVISED MAY 12, 2006)
- AERIAL TOPOGRAPHY BY L.I.W. PHOTOGRAMETRIC JUNE 24, 2005

## BATCH PLANT ELEVATIONS SCALE 1" = 30'




## MATERIAL STORAGE AND RECOVERY SYSTEM ELEVATIONS SCALE 1" = 30'




| Zoning Requirements - IG Zone | | | PROPOSED BY PROJECT | | | | |
|---|---|---|---|---|---|---|---|
| Limitation | Maximum | Minimum | Site | Batch Office | Plant Equipment | Plant Building | Material System |
| Height | 80' | -- | 65' | 14' | 65' | 40' | 30' |
| Setbacks | | | | | | | |
| Front Yard | -- | 10' | 10' | 51' | -- | 33' | 10' |
| Corner Side | -- | 20' | -- | -- | -- | -- | -- |
| Side | -- | 0' | 5' | 63' | -- | 121' | 5' |
| Rear | -- | 0' | 172' | 222' | -- | 211' | 172' |
| Creek Buffer | -- | 50' | 50' | -- | -- | -- | -- |
| Usage | | | | | | | |
| Lot Coverage | 75% | -- | 10.3% | -- | -- | -- | -- |
| Floor Area Ratio | 1.00 | -- | 0.11 | -- | -- | -- | -- |
| Site Landscaping | -- | 12% | 38.6% | -- | -- | -- | -- |
| Flag Landscaping | -- | 50% | 52.0% | -- | -- | -- | -- |

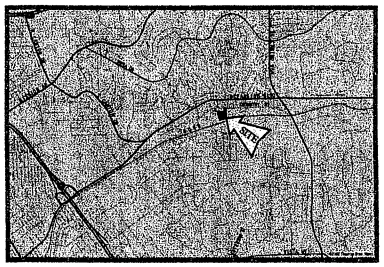
SCHEDULE

| SYMBOLS | DESCRIPTION |
|---|---|
| | LIGHT STANDARD |
| ℄ | CENTER LINE |
| R.O.W. | RIGHT OF WAY |
| TRX | TRANSITION |
| | POWER POLE |
| FH | FIRE HYDRANT |
| | CIRCULATION |
| | FLOW LINE |
| | LANDSCAPED AREA |
| | PAVEMENT |
| | NATURAL VEGETATION |
| S | SEWER |
| W | WATER |

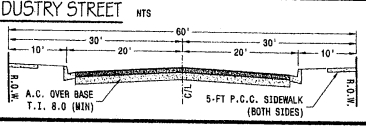
## INDEX

| NO | DWG | SHEET TITLE - DESCRIPTION | DATED | REVISION |
|---|---|---|---|---|
| 1 | E01 | PLOT PLAN | 03/31/05 | 04/27/06 |
| 2 | | | | |
| 3 | | | | |

## LOCATION MAP SCALE 1" = 2400'




## INDUSTRY STREET NTS




## TRAFFIC CIRCULATION

EXTERNAL
1. ALL TRAFFIC ENTERING AND EXITING THE SITE SHALL ACCESS INDUSTRY STREET APPROXIMATELY 300' WEST OF FOUSSAT ROAD. SITE ACCESS SHALL HAVE TRAFFIC CONTROL CONSISTENT WITH THE REQUIREMENTS OF THE CITY OF OCEANSIDE.

INTERNAL
1. INTERNAL SIGNAGE SHALL BE CONSISTENT WITH A GENERAL CLOCKWISE CIRCULATION PATTERN WITH TRUCKS ENTERING AND EXITING THE SITE IN THE NORTHEAST CORNER.

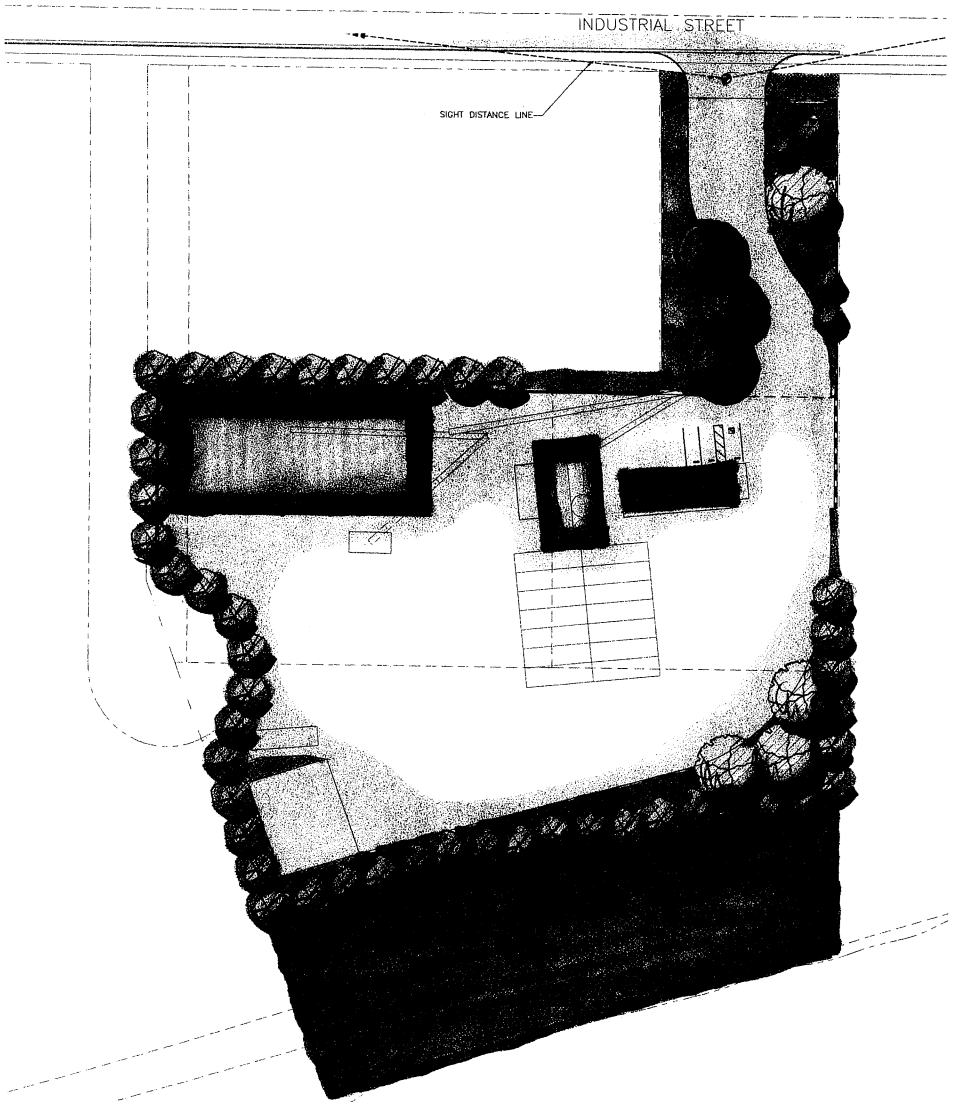
REGISTERED PROFESSIONAL ENGINEER MICHAEL W. OROZCO NO. 61055 EXP. 12/31/08 CIVIL STATE OF CALIFORNIA

| | | | |
|---|---|---|---|
| 4 | MOVE TRUCK/DRIVER PARKING | MO | 5/17/07 |
| 3 | ADD 50 FT PLANNING BUFFER | MO | 5/17/07 |
| 2 | MODIFY FINISH GRADE TO REDUCE FILL IN FLOOD PLAIN | JCP | 8/15/06 |
| 1 | MODIFY STRUCTURE LOCATION TO AVOID FLOOD ZONE | JCP | 4/27/2006 |
| 0 | REMOVE ACCESS TO FOUSSAT WAY | JCP | 12/6/2005 |

ROBERTSON'S
200 South Main Street CORONA, California 92882 (909) 493-6500

#31 - OCEANSIDE BATCH PLANT
SITE PLAN

| | | | |
|---|---|---|---|
| Drawn by | CP | Michael Orozco | Sheet |
| Approved by | | Registered Civil Engineer * C 61055 | |
| Date | 2/28/05 | Project 1275 Plant 31 Job No | E01 |
| Scale | 1" = 30' | Reference | |




TOTAL FRONT YARD AREA: 14,470 SF

TOTAL LANDSCAPED AREA OF FRONT YARD: 8,592 SF

## SUGGESTED PLANTING PALETTE:

| | BOTANIC NAME | COMMON NAME | WATER USE |
|---|---|---|---|
| TREES | ALNUS RHOMBIFOLIA | WHITE ALDER | MOD |
| | CHILOPSIS LINEARIS | DESERT WILLOW | LOW |
| | LYONOTHAMNUS FLORIBUNDUS | CATALINA IRONWOOD | MOD |
| | PLATANUS RACEMOSA | CALIFORNIA SYCAMORE | LOW |
| SHRUBS / VINES GROUNDCOVER / TURF | CEANOTHUS 'JOYCE COULTER' | WILD LILAC | LOW |
| | CISTUS X PURPUREUS | ORCHID ROCKROSE | LOW |
| | FREMONTODENDRON 'KEN TAYLOR' | FLANNEL BUSH | LOW |
| | HEMEROCALLIS RED HYBRID | DAYLILY – RED ONLY | MOD |
| | MYOPORUM LAETUM | MYOPORUM | MOD |
| | OSMANTHUS FRAGRANS | SWEET OLIVE | LOW |
| | PHORMIUM TENAX 'ATROPURPUREUM' | NEW ZEALAND FLAX | LOW |
| | SENECIO MANDRALISCAE | SENECIO (SUCCULENT) | MOD |
| | HELIANTHEMUM NUMMULARIUM | SUNROSE | LOW |
| | MYOPORUM PARVIFOLIUM 'PINK' | MYOPORUM | LOW |
| | SLOPE SAVER II RED FESCUE MIX | | |
| | SODDED WATER SAVER FESCUE OR APPROVED EQUAL | | |
| RIPARIAN PLANTING | NATIVE/NATURALIZED HYDROSEED MIX | | |

REGISTERED LANDSCAPE ARCHITECT
STATE OF CALIFORNIA
Signature
10/31/07
Renewal Date
8/20/07
Date

# PRELIMINARY COLOR LANDSCAPE PLAN
# ROBERTSON'S CONCRETE BATCH PLANT
## CITY OF OCEANSIDE

NORTH

0 30' 60' 120'

DATE: AUGUST 20, 2007

DESIGN GROUP
4649 Brockton Ave.
Riverside, CA 92506
(951) 369-0700
Fax (951) 369-4030
http://www.comworksdg.com

ATTACHMENT 2

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE ROBERTSON'S OCEANSIDE CONCRETE FACILITY LOCATED AT 2847 INDUSTRY STREET, DEVELOPMENT PLAN (D-7-07) AND CONDITIONAL USE PERMIT (C-12-07)**

**(Applicant: Robertson's Ready Mix)**

WHEREAS, there was filed a verified petition on the forms prescribed by the City requesting a Development Plan and Conditional Use Permit under the provisions of Articles 13, 30, 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit a concrete mix batch plant and a 12,000-gallon above ground fuel tank;

WHEREAS, a Final Mitigated Negative Declaration was prepared and circulated for public and agency review and proper notification was given in accordance with the California Environmental Quality Act for a Development Plan (D-7-07) and Conditional Use Permit (C-12-07) to permit a concrete mix batch plant and a 12,000-gallon above ground fuel tank;

WHEREAS, on January 28, 2008 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2008-P05, adopting said Final Mitigated Negative Declaration;

WHEREAS, a call for review was timely filed with the City Clerk of the City of Oceanside to review the Planning Commission decision;

WHEREAS, on March 19, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the review of the Planning Commission adoption of the above identified Final Mitigated Negative Declaration; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be subject to a Mitigated Negative Declaration per Article 6 of the California Environmental Quality Act;

///

///

WHEREAS, the Planning Division has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has conducted a Mitigation and Monitoring and Reporting Program (MMRP) in accordance with CEQA. Based upon the results of the Mitigation and Monitoring and Reporting Program (MMRP), the City's Environmental Coordinator has determined that the project as mitigated will not result in significant effects on the environment.

WHEREAS, the City's Environmental Coordinator has determined that an Environmental Impact Report (EIR) is not required because there is no substantial evidence in light of the whole record that the project as mitigated may have a significant effect on the environment.

WHEREAS, a Mitigated Negative Declaration was prepared by the Resource Officer of the City of Oceanside for the Development Plan and Conditional Use Permit pursuant to the California Environmental Quality Act of 1970 and the State Guidelines;

WHEREAS, the City Council does hereby find that the Mitigation and Monitoring and Reporting Program (MMRP) /Mitigated Negative Declaration has been prepared in accordance with requirements of CEQA, the State CEQA Guidelines, and the Ordinance 04-OR300-1 of the City of Oceanside adopting procedures and guidelines to implement CEQA, and hereby adopts the Mitigated Negative Declaration and the Mitigation, Monitoring and Reporting Program; and

WHEREAS, the Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program (MMRP) have been determined to be accurate and adequate documents, which reflect the independent judgment and analysis of the City Council. On the basis of the entire record before it, the City Council finds that there is no substantial evidence that the project, with implementation of the mitigation measures proposed, will have a significant impact on the environment.

WHEREAS, studies and investigations made by this Council and in its behalf reveal the following facts:

<u>For the Final Mitigated Negative Declaration</u>:

1. The Final Mitigated Negative Declaration and Initial Study were completed in compliance with the provisions of the California Environmental Quality Act (CEQA).
2. There are potentially certain significant environmental effects detailed in the Final Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program (MMRP) which have been avoided or substantially lessened by the establishment of measures which are detailed in the Mitigation and Monitoring and Reporting Program (MMRP).

3. The Final Mitigated Negative Declaration and Initial Study were presented to the City Council, and the City Council reviewed and considered the information contained in these documents prior to making a decision on the project. The Final Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program (MMRP) have been determined to be accurate and adequate documents which reflect the independent judgment of the City Council.

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

1. The Final Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program (MMRP) for the Robertson's Ready Mix project IS ADOPTED, effective as of this day.
2. Pursuant to Public Resources Code Section 21081.6 the City Council adopts the MMRP and finds and determines that said program is designed to ensure compliance with the measures during project implementation. The City Council finds that the Mitigation measures set forth in the Mitigated Negative Declaration mitigate or avoid all environmental impacts.
3. Notice is HEREBY GIVEN that the time within which judicial review must be sought on this decision is governed by the provisions of the Public Resources Code Section 21168 California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the Final Mitigated Negative Declaration;

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2008 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

ATTACHMENT 3

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE OVERTURNING THE PLANNING COMMISSION DENIAL AND APPROVING A DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO CONSTRUCT A CONCRETE BATCH PLANT ON A 2.95-ACRE SITE AT 2847 INDUSTRY STREET**

**(Applicant: Robertson's Ready Mix)**

WHEREAS, there was filed a verified petition on the forms prescribed by the City requesting a Development Plan and Conditional Use Permit under the provisions of Articles 13, 30, 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit a concrete mix batch plant and a 12,000-gallon above ground fuel tank;

WHEREAS, on January 28, 2008 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2008-P05, denied without prejudice said Development Plan (D-7-07) and Conditional Use Permit (C-12-07);

WHEREAS, on January 29, 2008, an appeal of the Planning Commission decision was timely filed with the City Clerk of the City of Oceanside by Robertson's Ready Mix.

WHEREAS, on March 19, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the review of the Planning Commission denial without prejudice of the above identified Development Plan and Conditional Use Permit; and

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

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

| Description | Authority for Imposition | Current Estimate Fee or Calculation Formula |
|---|---|---|
| Drainage Fee | Ordinance No. 85-23<br>Resolution No. 06-R0334-1 | $2,843-$15,964 per acre |
| Public Facility Fee | Ordinance No. 91-09<br>Resolution No. 06-R0334-1 | $.713 per square foot or $713 per thousand square feet for non-residential uses |

| Description | Authority for Imposition | Current Estimate Fee or Calculation Formula |
|---|---|---|
| School Facilities Mitigation Fee | Ordinance No. 91-34 | $.42 per square foot non-residential |
| Traffic Signal Fee | Ordinance No. 87-19<br>Resolution No. 06-R0334-1 | $15.71 per vehicle trip |
| Thoroughfare Fee (For commercial and industrial please note the 75 percent discount) | Ordinance No. 83-01<br>Resolution No. 06-R0334-1 | $255 per vehicle trip (based on SANDAG trip generation table) |
| Water System Buy-in Fees | Oceanside City Code §37.56.1<br>Resolution No. 87-96<br>Ordinance No. 05-OR 0611-1 | Fee based on water meter size. Non-residential is $35,160 for a 2" meter. |
| Wastewater System Buy-in fees | Oceanside City Code § 29.11.1<br>Resolution No. 87-97<br>Ordinance No. 05-OR 0610-1 | Based on capacity or water meter size. Non-residential is $48,280 for a 2" meter. |
| San Diego County Water Authority Capacity Fees | SDCWA Ordinance No. 2005-03 | Based on meter size. Non-residential is $22,495 for a 2" meter. |

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

WHEREAS, a Mitigated Negative Declaration and Mitigation and Monitoring Report Program were adopted by the City Council on March 19, 2008 in Resolution No. _____:

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

FINDINGS:

For the Development Plan:

1. The site plan and physical design of the project is consistent with the Zoning Ordinance in that the project has been designed to meet or exceed the Zoning Ordinance standards in terms of setbacks, landscaping, parking, building height, and building design.
2. The Development Plan conforms to the General Plan of the City in that a concrete ready mix plant is an allowable use in the General Industrial area as designated for this site.
3. Public Facilities and infrastructure such as water and sewer and storm drain improvements necessary to serve the project are currently in place, or will be constructed as part of the project.
4. The project is consistent and compatible with the surrounding industrial uses and has been found to not adversely affect residential neighborhoods north of Oceanside Boulevard and south of Loma Alta Creek and the railroad tracks due to biological and planning buffers and other site design features.

For the Conditional Use Permit:

1. That the proposed location of the 12,000-gallon above ground fuel tank is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located because it is a compatible use with heavier industrial uses such as a concrete batch plant.
2. That the proposed location of the 12,000-gallon above ground fuel tank and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or

improvements in the vicinity or to the general welfare of the City because the tank will be located out of the floodway and will have a proper spill containment area.

3. That the proposed conditional use for the 12,000-gallon above ground fuel tank will comply with the provisions of the Zoning Ordinance because it will be located in a general industrial area suitable for fuel tank storage and will meet all state and federal requirements for above-ground tanks, including any specific condition required for the proposed conditional use in the general industrial zone.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve Development Plan (D-7-07) and Conditional Use Permit (C-12-07) subject to the following conditions:

**Building:**

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check.
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
3. Site development, parking, access into buildings and building interiors shall comply with the State's Disabled Accessibility Regulations.
4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property shall be underground (City Code Sec. 6.30).
5. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall be shielded appropriately. Where color rendition is important high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on final building and electrical plans.
6. Compliance with Federal Clean Water Act shall be demonstrated on the plans.
7. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.
8. A separate/unique address may be required to facilitate utility releases. Verification that the address has been properly assigned by the City's Planning Division shall accompany the Building Permit application.
9. A Demolition Permit shall be required for the demolition of any existing structures. Plans for the Demolition Permit shall clearly show that all utilities (electric, gas, water and sewer) are properly

terminated/capped in accordance with the requirements of the utility service provider. All/any underground septic or water storage tanks must be removed or filled in accordance with the Uniform Plumbing Code and/or the City's Grading Ordinance.

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

    a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

    b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

**Engineering:**

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

12. With the exception of the approved location for ingress and egress, vehicular access rights to abutting public right-of-way shall be relinquished by the property owner to the City.

13. The exact alignment, geometrics, and widths of all right-of-way dedications and street improvements shall be approved by the City Engineer prior to issuance of building permits.

14. Design and construction of all improvements shall be in compliance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer.

15. Prior to issuance of a building permit all improvement requirements shall be covered by a development agreement and secured with sufficient improvement securities or bonds

guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

16. A phasing plan for the construction of public and private improvements shall be reviewed and approved by the City Engineer prior to the issuance of any grading or improvement permits. Prior to the issuance of any building permits all off-site or frontage improvements including landscaping and any required streets or arterials shall be under construction to the satisfaction of the City Engineer. All improvements shall be completed prior to issuance of any certificates of occupancy.

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

18. The developer shall secure vacation or obtain written permission from the holders of all easements impacted by the proposed improvements including but not limited to the 12 foot SDG&E pole easement and the waterline easement on the westerly side of the property prior to issuance of any grading, building or improvement permit.

19. The approval of the development/project shall not mean that closure, vacation, or abandonment of any public street, right-of-way, easement, or facility is granted or guaranteed to the developer. The developer is responsible for applying for all closures, vacations, and abandonments as necessary. The application(s) shall be reviewed and approved or rejected by the City of Oceanside under separate process(es) per codes, ordinances, and policies in effect at the time of the application. The City of Oceanside retains its full legislative discretion to consider any application to vacate a public street or right-of-way.

20. The approval of the development/project shall not mean that proposed grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or

guaranteed to the developer. The developer is responsible for obtaining permission to grade or to construct on adjacent properties. Should such permission be denied, the resulting changes to the Development Plan shall be subject to a Substantial Conformity review. Changes not meeting substantial conformity requirements shall be submitted for appropriate public hearing action.

21. Prior to the issuance of a grading permit, the developer shall notify and host a neighborhood meeting with all of the area residents located within 300 feet of the project site, and residents of property along any residential streets to be used as a "haul route", to inform them of the grading and construction schedule, haul routes, and to answer questions.

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

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

b) All grading and related site preparation and construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100 feet) from any existing residential development. Because construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive, or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity."

c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d) A haul route shall be obtained at least 7 days prior the start of hauling operations and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

23. A traffic control plan shall be prepared according to the City traffic control guidelines and be submitted to and approved by the City Engineer prior to the start of work within open City rights-of-way. Traffic control during construction of streets that have been opened to public

traffic shall be in accordance with construction signing, marking and other protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

24. Approval of this development project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to issuance of any building permits, in accordance with City Ordinances and policies. The developer shall also be required to join into, contribute, or participate in any improvement, lighting, or other special district affecting or affected by this project. Approval of the development/project shall constitute the developer's approval of such payments, and his agreement to pay for any other similar assessments or charges in effect when any increment is submitted for building permit approval, and to join, contribute, and/or participate in such districts.

25. Industry Street along the project's frontage shall be improved with curb, gutter and sidewalk.

26. Industry Street along the project's frontage shall provide a minimum of 10 feet parkway between the face of curb and the right of way line. Sidewalk improvements shall comply with ADA requirements.

27. Sight distance and clear space easement requirements at the project driveway along Industry Street from the development's driveways for each direction of traffic shall conform to the corner sight distance criteria as provided by San Diego County Design Standards (DS-20A and/or DS-20B).

28. The developer shall install red curb at both sides of the primary project driveway on Industry Street per sight distance requirements to the satisfaction of the City Engineer. No stacking of heavy equipment or trucks shall be allowed on Industry for the ready mix plant.

29. Streetlights shall be maintained and installed on public streets along the development's frontage per City Standards. The system shall provide uniform lighting, and be secured prior to occupancy. The developer shall pay all applicable fees, energy charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the annexation to, any appropriate street lighting district.

30. Pavement sections for all streets, alleys, driveways and parking areas within the project and along the project's frontage shall be based upon approved soil tests and traffic indices. The

pavement design is to be prepared by the developer's soil engineer and must be approved by the City Engineer, prior to paving.

31. Prior to approval of the grading plans, the developer shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on Industry Street adjacent to the project boundary. The limits of the study shall be half-street (including median, if any) plus 12 feet along the project's frontage. The field investigation shall be performed according to a specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer. In the absence of such approved boring plan, the field investigation shall include a minimum of one pavement boring per every 50 linear feet of street frontage. Should the existing AC thickness be determined to be less than three inches or without underlying Class II base material, the developer shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed in Item No. 2 below.

32. Upon review of the pavement investigation, the City Engineer shall determine whether the Developer shall: 1) Repair all failed pavement sections, header cut and grind per the direction of the Transportation/Development Inspector, and construct a two-inch thick rubberized AC overlay; or 2) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices. Should the study conclude that the pavement does not meet current requirements, rehabilitation/mitigation recommendations shall be provided in a pavement analysis report, and the developer shall reconstruct the pavement per these recommendations, subject to approval by the City Engineer.

33. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.

34. All existing overhead utility lines within the property and/or within any full width street or right-of-way abutting a new project, and all new extension services for the development of the project, including but not limited to, electrical, cable and telephone, shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City Engineer and current City policy.

35. Grading and drainage facilities shall be designed and installed to adequately accommodate the local stormwater runoff and shall be in accordance with the City's Engineers Manual and as directed by the City Engineer.

36. The developer shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the development, use, or site due to its type, size, location, or activities including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service, State Water Resources Control Board, and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.

37. Prior to any grading of any part of the project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

38. This project shall provide year-round erosion control including measures for the site required for the phasing of grading. Prior to the issuance of grading permit, an erosion control plan, designed for all proposed stages of construction, shall be reviewed, secured by the applicant with cash securities and approved by the City Engineer.

39. A precise grading and private improvement plan shall be prepared, reviewed, secured and approved prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of all structures, walls, drainage devices and utility services. Parking lot striping and any traffic calming devices shall be shown on all Precise Grading and Private Improvement Plans.

40. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections or project entrances, must conform to intersection sight distance requirements. Landscape and irrigation plans shall be submitted to the City Engineer prior to the issuance of a grading permit and approved prior to the issuance of building permits. A pre-construction meeting shall be held prior to the start of any improvements. Street and frontage landscaping shall be installed prior to the issuance of any certificates of occupancy. Any project fences, sound or privacy walls and monument entry walls/signs shall be shown on, bonded for and built from the landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated through project landscape plans.

41. The drainage design on the project is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The applicant shall be responsible for obtaining any off-site easements for storm drainage facilities.

42. This project is located in a FEMA mapped flood plain and the developer shall comply with applicable FEMA regulations and the City of Oceanside Flood Plain Management regulations. Flood plain elevations shall be determined by the Flood Plain Administrator. Pursuant to Oceanside City Code section 6.44.41(c) (2) construction shall be elevated to conform with Oceanside City Code section 6.44.41(c) (1) as determined by the Flood Plain Administrator.

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

44. The development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge and any regulations adopted by the City pursuant to the NPDES regulations or requirements. Further, the applicant may be required to file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and/or Industrial Activity and may be required to implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading and/or industrial activities. SWPPPs include both construction and post construction pollution prevention and pollution control measures and identify funding mechanisms for post construction control measures. The developer shall comply with all the provisions of the Clean Water Program during and after all phases of the development process, including but not limited to: mass grading, rough grading, construction of street and landscaping improvements, construction of building structures, and all regulated uses of the site. The applicant shall design the Project's storm drains and other drainage facilities to include Best

Management Practices to minimize non-point source pollution, satisfactory to the City Engineer.

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

46. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to the Engineering Division with the first submittal of engineering plans. The O&M Plan shall be prepared by the applicant's Civil Engineer. It shall be directly based on the project's Storm Water Mitigation Plan (SWMP) previously approved by the project's approving authority (City Council). The O&M Plan shall be approved by the City Engineer prior to approval of any plans by the Public Works Department. At a minimum the O&M Plan shall include the designated responsible parties to manage the stormwater BMP(s), employee's training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, cost estimate for implementation of the O&M Plan and any other necessary elements.

47. The developer shall enter into a City-Standard Stormwater Facilities Maintenance Agreement with the City obliging the project proponent to maintain, repair and replace the Storm Water Best Management Practices (BMPs) identified in the project's approved Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity. The Agreement shall be approved by the City Attorney prior to issuance of any precise grading permit and shall be recorded at the County Recorder's Office prior to issuance of any building permit. Security in the form of cash (or certificate of deposit payable to the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise grading permit. The amount of the security shall be equal to 10 years of maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall prepare the O&M cost estimate. The O&M cost estimate shall be approved by the City Engineer prior to approval of any engineering plans for the project.

48. At a minimum, maintenance agreements shall require the staff training, inspection and maintenance of all BMPs on an annual basis. The project proponent shall complete and

maintain O&M forms to document all maintenance activities. Parties responsible for the O&M plan shall retain records at the subject property for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.

49. The Agreement shall include a copy of executed on-site and off-site access easements necessary for the operation and maintenance of BMPs that shall be binding on the land throughout the life of the project to the benefit of the party responsible for the O&M of BMPs, until such time that the storm water BMP requiring access is replaced, satisfactory to the City Engineer. The agreement shall also include a copy of the O&M Plan approved by the City Engineer.

50. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP) shall not be altered in any way, shape or form without formal approval by either an Administrative Substantial Conformance issued by the City Planner or the project's final approving authority (Planning Commission/City Council) at a public hearing. The determination of whatever action is required for changes to a project's approved SWMP shall be made by the City Planner.

51. The developer shall provide a copy of the title/cover page of the approved SWMP with the first engineering submittal package. All Stormwater documents shall be in compliance with the latest edition of submission requirements.

52. The project shall increase the left turn pocket at least 50 feet at the existing median island located on northbound El Camino Real at Industry Street. This improvement shall be completed to the satisfaction of the City Engineer.

53. At the intersection of Foussat Road and Oceanside Boulevard, the project shall replace the existing traffic signal controller and cabinet, install a battery backup system and install traffic signal mast arms and signal heads on Foussat Road prior to the issuance of certificate of occupancy and to the satisfaction of the City Engineer.

54. At the intersection of Garrison Street and Oceanside Boulevard, the project shall install a new battery backup system prior to the issuance of certificate of occupancy and to the satisfaction of the City Engineer.

55. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation Ordinance No. 91-15, General Plan and the Zoning Ordinance, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval.

The following special landscaping requirements shall be met:

a) The landscape plans shall match the conceptual landscape, grading and SWMP plans.

b) Native, naturalized vegetation shall be provided adjacent to the open space; this requirement shall superscede the conceptual landscape plan.

c) All landscaping, walls and fencing on-site shall comply with City Zoning Ordinance and the City of Oceanside Guidelines and Specifications for Landscape Developments 1985, addenda 1997.

d) Approval for walls, fencing and gates shall be obtained from the City Planner.

56. Landscape plans shall comply with SWMP and City of Oceanside sight line requirements.

57. All landscaping, fences, walls, etc. on the site, in the public right-of-way and in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and/or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this resolution.

**Fire:**

58. Submit a copy of as built plans on a CD for all projects on the job site before final occupancy.

59. Sprinkler system for the building is required.

60. Roofs shall be a class "A" assembly. Roofs shall have a class "A" roof covering and roof decking, the space at the eave ends shall be fire stopped to preclude entry of flames or embers.

61. Gutters and downspouts shall be constructed of noncombustible material. Gutters shall be designed to reduce the accumulation of leaf litter and debris that contributes to roof edge ignition.

62. Where fencing attached to or immediately adjacent to structures face the vegetative fuels, the first five feet (1 524 mm) of such fencing which connects to the structure, shall be constructed of noncombustible, heavy timber or fire retardant pressure treated wood or material.

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63. Exterior gazing or other transparent, translucent or opaque glazing shall be tempered glass, multilayered glass panels, or glass block each having a fire protection rating of not less than 20 minutes. Glazing frames made of vinyl materials shall have welded corners, metal reinforcement in the interlock area, and be certified to ANSI/AAMA/NWWDA 101/I.S.2-97 structural requirements. Skylights shall be tempered glass or a class "A" rated assembly.

64. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

65. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1 3/4 inches thick (45mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8. of the ICC code. Exception: Vehicle access doors.

66. Turbine attic vents shall be equipped to allow only one way direction rotation and shall not free spin in both directions.

67. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing a habitable space shall be a minimum one-hour fire resistance rated assembly. When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction with a one-hour fire resistance rating. Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour fire resistance rated construction or heavy timber construction.

68. All structural mitigation notes and details shall be included on the architectural plans when submitted to the Building Division for building permit.

69. Landscape Architects will be responsible to confirm that their planting plan meets the Fire Department conditions. Trees and large shrubs must be 10 feet off of structures measured at maturity of the tree from the drip line of the tree to the farthest projection of the structure. Prohibited species – Phormium tenax must be removed. Trees and shrubs must be shown at 100 percent maturity diagrammatically on the plans. Provide tree and shrub dimensions on the

landscape plans, use the Sunset western garden book for reference. If plans do not meet the conditions on final field inspections you will be asked to remove what is not in compliance before your final inspection will be signed off. Ground covers will not be allowed in Zone 1 the first 40 feet from the farthest projection of the structure.

70. Site Inspection – site inspection may reveal conditions which have changed since plan review. When such discrepancies arise, field inspection shall take precedence.

71. Submit three sets of plans prepared by a licensed landscape architect or other design professional with equivalent credentials, for review.

72. The following shall be included on the conceptual fuel modification plan:

a) Delineation of each zone (setback, irrigated, and thinning) with a general description of each zone's dimensions and character; i.e. Zone 1, 0-40' from the farthest projection of the structure on a horizontal plane. Must have existing vegetation removed, and be irrigated, and planted with succulent and low growing fire-resistant plant material. Zone 2 = 41' to 70' from the structure, Zone 3 = 71' to 100' from the structure. (Refer to fuel modification packet)

b) Identify removal of undesirable plant species in accordance with the Oceanside Fire Prone Plant Species List. (Refer to fuel modification packet)

c) Identify the design of the proposed development, showing all property lines, contour lines, and the proposed location of all structures nearest to the fuel modification area, if available.

d) Photographs of the area that show the type of vegetation that currently exist, including height and density, and the topography of the site. Include aerial photographs. Provide information on Existing planting on your landscape plans, what species are there is it ground cover, shrubs etc.

e) Identify what exists 1000' beyond the development property lines in all directions; i.e., construction, natural vegetation, roads, parks, etc. (Note: the OFD may require additional information on a project-specific basis.)

f) Existing and new plants will be in accordance with the Oceanside Fire Department's approved plant palette.

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73. Precise fuel modification plans shall include all information required on conceptual fuel modification plans and the following additional information:

a) Plant palette to be installed in accordance to acceptable guidelines.

b) Irrigation plans and specifications.

c) Building footprints or statements that clearly indicates the limits of proposed development.

d) All applicable maintenance requirements and assignments of responsibility.

e) Tracked or project conditions, CC&R and/or deed restrictions relative to fuel modifications. (Refer to fuel modification packet)

74. All proposed and existing fire hydrants within 400 feet of the project shall be shown on the site plan.

75. Add fire hydrants on site plan.

76. The fire hydrants shall be installed and tested prior to placing any combustible materials on the job site.

77. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits.

78. Buildings shall meet Oceanside Fire Department's current codes at the time of building permit application.

**Planning:**

79. This Development Plan and Conditional Use Permit shall expire on March 19, 2010, unless implemented as required by the Zoning Ordinance.

80. This Development Plan approves only a concrete mix batch plant with a maximum output of 1,200 cubic yards of concrete per day and a 12,000-gallon above ground fuel storage tank on a 2.95-acre site as shown on the plans and exhibits presented to the Planning Commission and City Council for review and approval. No vehicular shop or maintenance facilities for trucks are provided onsite. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Development Plan/Conditional Use Permit or a new Development Plan/Conditional Use Permit.

81. Concrete Batch Plant hours of operations shall be 6:00 a.m. to 6:00 p.m. Monday through Saturday. Deliveries of materials shall occur between 6:00 a.m. and 9:00 p.m. Monday through

Saturday. No heavy equipment or trucks shall be parked or queued on Industry Street or other City Streets outside the plant.

82. The truck "wash-out" area shall be located within the northerly (batch plant) detention pond. Plans depicting the truck "wash-out" area shall be considered and approved by the City Planner and City Engineer prior to issuance of grading permits.

83. The entire 100-foot buffer area (50-foot biological buffer plus 50-foot planning buffer) shall be vegetated with the exception of the detention basin in the western portion of the site. The 50-foot biological buffer shall meet revegetation standards of the Wildlife Agencies as outlined in their letter in the Mitigated Negative Declaration. The final landscape plans shall be approved by the City Engineer and City Planner.

84. Fifty percent of the site shall be open and/or landscaped in accordance with the City's Draft Subarea Plan. As an option, the remaining open space could be purchased at an approved offsite location to the satisfaction of the City Planner.

85. Prior to the issuance of building permits, Loma Alta Creek and the 100-foot buffer area shall be placed in a conservation easement to the satisfaction of the City Engineer and City Planner.

86. No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been satisfied:

a) During project construction, a qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas along Loma Alta Creek for the least Bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following condition must be met;

b) Between March 15 and September 15, no clearing, grubbing, or grading of occupied least bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist.

87. The following monitoring program shall be implemented to ensure that the potential for significant archaeological evidence to be present is addressed during the course of construction work:

a) A pre-excavation agreement shall be forged with the San Luis Rey Band of Mission Indians to require a Native American monitor be present during the grading or trenching operations over 18 inches in depth. This executed contract with scope of work shall be provided to the City prior to the issuance of a grading permit. In addition, a Society of Professional Archaeologists (SOPA) archaeological monitor would be required. In the event archaeological resources are discovered, both an archaeological monitor and Native American monitor shall be present. There would be no need for either monitor on-site once subsurface excavations have concluded.

b) Either monitor would be authorized to temporarily divert or halt excavation in or near the archaeological deposit. Upon halt or diversion, the monitor would notify the appropriate on-site City officer of the action and need for an opportunity to inspect the work area for significant discoveries. A significant discovery would consist of intact features, human remains, areas of preserved stratigraphy, or other intact deposits. Non-significant discoveries would include dispersed site components within a disturbed soil stratum, such as those encountered during the exploratory excavations.

- In the event that the Native American monitor makes a significant discovery, he or she would notify the on-site City official and the archaeological monitor. The archaeological monitor would notify the archaeological Principal Investigator.
- City staff and the archaeological team would confer on-site with the Native American monitor to determine appropriate steps to protect or mitigate impacts to the discovery.
- A draft plan for protection or mitigation of impacts for the discovery would be submitted to City Planning Division within 48 hours of the on-site conference. The plan would include proposed methods for protection or excavation, data collection, and curation.

c) In the event that the archaeological monitor makes a significant discovery he or she would notify the on-site City official, the archaeological Principal Investigator, and the Native American monitor.

- City staff and the monitors would confer on-site with the Principal Investigator to determine appropriate steps to protect or mitigate impacts to the discovery.

- A draft plan for protection or mitigation of impacts for the discovery would be submitted to City Planning Division staff within 48 hours of the on-site conference. The plan would include proposed methods for protection or excavation, data collection, and curation.

d) The discovery of human remains during excavation warrants specific additional protocols under California and U.S. laws. Persons involved in the excavation program or monitoring are charged with notifying the monitoring staff in the event that human remains are observed in or near the excavations.

- Upon discovery of human remains all work in the immediate vicinity of the discovery must halt and be directed to other areas of the project that would not disturb the remains.
- The City official on-site and the Principal Investigator must be notified of the discovery. Notification of the County Coroner would be the responsibility of the Principal Investigator personally, or through his or her designee.
- No activity may occur in the immediate vicinity of the remains until cleared by the Coroner's office. Notification of such clearance shall be provided in writing to the City staff, monitoring staff, and Principal Investigator.

e) If the human remains are Native American, then the Coroner would notify the NAHC. The NAHC would determine the most likely descendent (MLD) and notify the archaeological Principal Investigator or monitor of the decision. Arrangements would then be made in coordination with City staff for the treatment of the remains.

f) If the human remains were not Native American, their treatment would be determined in coordination with City staff. A plan for their removal, documentation and disposition would be developed in writing. A draft of the plan would be provided within 48 hours of the conference to outline the plan.

g) The archaeological monitoring staff would compile a final summary report of the monitoring program. This report would include discussions of the finds made, observations regarding the archaeological deposit integrity, condition, content, and extent, and other information of value to future investigations encountered within the scope of the monitoring program. The summary report would include at least the

locations monitored and the observations made.

h) All archaeological materials, excluding grave goods and items of cultural patrimony, recovered during the monitoring program would be curated at the San Diego Archaeological Center (SDAC). The curated materials would include copies of photographs, field notes, maps, interim and final reports, and other documentation compiled during the monitoring program, exploratory excavations, and other excavations implemented as a result of the proposed improvements. The quantity of materials to be included in the curation agreement between the SDAC and the City is likely to be less than five cubic feet, or three boxes.

i) In the unlikely event that human remains are encountered, pursuant to State Health and Safety Code Section 7050.5, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of any human remains find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC) which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery, and shall complete the inspection within 24 of notification by the NAHC. The MLD shall have the opportunity to make recommendations to the NAHC on the disposition of the remains.

88. All material produced at the subject site will be processed for sale in compliance with the Bradley Burns Uniform Local Sales and Use Tax Law, and all applicable Board of Equalization (BOE) local tax regulations (as may be amended from time to time) including Regulation 1802, such that the BOE will recognize all sales tax from any product generated at the site to be indisputably designated to Oceanside during the term of this CUP. The intent of this condition is to ensure that the principal negotiations for the sale of all products at the subject site occur in the City of Oceanside. Prior to the issuance of an occupancy permit, Applicant shall establish a sales office within the jurisdictional boundaries of the City of Oceanside and thereafter, for the entire term of the permit, conduct its taxable sales operations for all sales from the subject site in accordance with the California Sales and Use Tax laws and all other applicable provisions of

local, state and federal law. Applicant will use all good faith efforts to market, promote and administer its taxable sales activity with the objective of maximizing the amount of local sales tax revenue. In all Sales and Use Tax Returns filed with the BOE relating to taxable sales generated at the sales office for the subject site, Taxpayer agrees to specify the City of Oceanside as the place of sale.

Applicant recognizes that violation of this condition and/or the failure of the City to receive local sales tax in accordance with this condition will subject the conditional use permit to revocation pursuant to Article 47 of the Oceanside Zoning Ordinance.

89. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Development Plan D-7-07 and Conditional Use Permit C-12-07. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

90. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of occupancy permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval.

91. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and/or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this resolution.

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92. Merchandise, materials and equipment shall not be stored in required parking areas, driveways, fire lanes, setback areas, or on sidewalks or walkways.

93. Storage areas shall be visually buffered from Loma Alta Creek and the AT&SF Railroad right-of-way. Buffering shall be consistent with the screening of outdoor facilities requirements set forth in section 3020(D).

94. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall also include additional space for storage and collection of recyclable materials per City standards. Recycling is required by City Ordinance. The enclosures must be built in a flat, accessible location as determined by the City Engineer. The enclosures shall meet City standards including being constructed of concrete block, reinforced with rebar and filled with cement. A concrete slab must be poured with a berm on the inside of the enclosure to prevent the bins from striking the block walls. The slab must extend out of the enclosure for the bins to roll out onto. Steel posts must be set in front of the enclosure with solid metal gates. All driveways and service access areas must be designed to sustain the weight of a 50,000-pound service vehicle. Trash enclosures and driveways and service access areas shall be shown on both the improvement and landscape plans submitted to the City Engineer. The specifications shall be reviewed and approved by the City Engineer. The City's waste disposal contractor is required to access private property to service the trash enclosures, a service agreement must be signed by the property owner and shall remain in effect for the life of the project. All trash enclosures shall be designed to provide user access without the use and opening of the service doors for the bins. Trash enclosures shall have design features such as materials and trim similar to that of the rest of the project. This design shall be shown on the landscape plans and shall be approved by the City Engineer.

95. A covenant or other recordable document approved by the City Attorney shall be prepared by the developer and recorded prior to the issuance of building permit. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

96. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the City Planner and City Engineer. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.

97. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.

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

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

100. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved Development Plan. Any substantial change in any aspect of fencing or wall design from the approved Development Plan shall require a revision to the Development Plan or a new Development Plan.

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

102. Walls, fences and trash enclosures and associated structure details shall be shown in the landscape plans.

103. The three parcels that comprise the project site (APN 149-271-49, 149-271-50 and 149-271-51) shall be consolidated into one parcel prior to issuance of building permit.

104. A qualified biologist shall be retained by the applicant to review the final grading plans, access routes and staging areas, monitor all aspects of construction, educate contractors about the biological sensitivities associated with the area and ensure compliance with mitigation measures.

105. The qualified biologist shall conduct a training session for all project personnel prior to any grading/construction activities. At a minimum the training shall include a description of the target species of concern, its habitats, the general provisions of the Endangered Species Act (Act) and the MHCP. the need to adhere to the provision of the Act and the MHCP, the

penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the target species of concern as they relate to the project, any provisions for wildlife movement, and the access routes to and project site boundaries within which the project activities must be accomplished.

106. A series of 3 California gnatcatcher surveys shall be conducted during the months of April, May, and June to detect the presence/absence of this species.

107. Placement of equipment and personnel within environmentally sensitive habitat areas stream channels or on sand and gravel bars, banks and adjacent upland habitats used by target species of concern shall be avoided. Activities that can not be conducted without placing equipment or personnel in sensitive habitats shall be timed to avoid the breeding season of the target species of concern.

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

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

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

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

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

113. Artificial lighting adjacent to the preserve area shall be eliminated except where essential for roadway, facility use and safety and security purposes. Where use of artificial lighting is

necessary it shall be limited to low-pressure sodium sources. Use of low voltage outdoor or trail lighting, spotlights or bug lights is prohibited. All light sources shall be shielded so that lighting is focused downward to restrict any light spillover onto sensitive habitat.

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

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

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

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

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

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

120. The City of Oceanside shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project conditions and BMPs.

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

**Water Utilities:**

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

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

124. The property owner will maintain private water and wastewater utilities located on private property.

125. Sseparate irrigation meter and approved backflow prevention device is required.

126. The developer shall construct a public reclamation water system that will serve each lot and/or parcels that are located in the proposed project in accordance with the City of Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located in the public right-of-way or in a public utility easement.

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

128. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer

and shall be done by an approved licensed contractor at the developer's expense.

129. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

130. An Inspection Manhole, per the Water Sewer, and Reclamation Water Design and Construction Manual, shall be installed in each building sewer lateral and the location shall be called out on the approved Improvement Plans.

131. A Grease, Oil and Sand Interceptor, per the Uniform Plumbing Code, shall be installed in each building sewer in an appropriate location and shall be maintained by the property owner. The location shall be called out on the approved Improvement Plans.

132. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be paid to the City and collected by the Water Utilities Department at the time of building permit issuance.

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

134. On-site water lines for fire protection shall be private and called out as such on the plans.

135. Zero discharge of pollutants generated from this facility into the City Municipal Separate Storm Sewer Systems (MS4) including Loma Alta Creek is permitted. Typical pollutants generated from a Ready-Mix Concrete facility are pH, Total Suspended Solids (TSS), Total Organic Carbon, conductivity, and iron.

136. The proposed facility is classified under SIC 3273. Notice of Intent (NOI) application must be submitted for coverage under the State's General Industrial Permit for stormwater. Ready-Mix Concrete will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and monitor stormwater for pH, Total Suspended Solids, Total Organic Carbon, conductivity, and iron.

137. All the proposed natural and/or structural Best Management Practices (BMPs) must be designed based on the pollutant types and pollutant loads generated from the facility.

138. The proposed water service and sewer laterals must maintain a minimum distance of 10 feet.

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139. Irrigation, domestic, and fire services for the project shall be independent of each other and have separate connections to the existing water main.

140. The irrigation and domestic service laterals will be constructed with appropriate sized meters and an approved backflow preventer devices which shall be clearly shown on the improvement plans.

141. The proposed and existing utilities, as well as their sizes, shall be clearly identify the on all plans.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2008 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

ATTACHMENT 4

PLANNING COMMISSION
RESOLUTION NO. 2008-P05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DENYING WITHOUT PREJUDICE A DEVELOPMENT PLAN AND A CONDITIONAL USE PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

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APPLICATION NO: D-7-07, C-12-07
APPLICANT: Robertson's
LOCATION: 2847 Industry Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit and Development Plan under the provisions of Articles 13, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

concrete mix batch plant and a 12,000-gallon above ground fuel tank;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 28th day of January, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is subject to an Initial Study/Mitigated Negative Declaration,

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

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

FINDINGS:

For the Conditional Use Permit:

1. The project as proposed does not meet the minimum criteria for approval of a Conditional Use Permit based upon the following:

a) The proposed location of the fuel tank would be inconsistent with the flood plain associated with Loma Alta Creek in the southern portion of the project site.

b) The proposed fuel tank is not consistent with the vision for the Oceanside Boulevard corridor.

For the Development Plan:

1. The project as proposed does not meet the minimum criteria for approval of a development plan because the project as proposed is not compatible with the existing and potential development on adjoining properties or in the surrounding industrial area and is not consistent with the vision for the Oceanside Boulevard corridor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby deny without prejudice Development Plan (D-7-07) and Conditional Use Permit (C-12-07).

PASSED AND ADOPTED Resolution No. 2008-P05 on January 28, 2008 by the following vote, to wit:

| | |
|---|---|
| AYES: | Martinek, Horton, Troisi, Bertheaud and Balma |
| NAYS: | Neal, Parker |
| ABSENT: | None |
| ABSTAIN: | None |

Dennis Martinek, Chairman
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2008-P05.

Dated: January 28, 2008

ATTACHMENT 5

# *PLANNING COMMISSION* *STAFF REPORT*

DATE: January 28, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D-7-07) AND CONDITIONAL USE PERMIT (C-12-07) FOR THE DEVELOMENT OF A CONCRETE MIX PLANT AND MATERIALS HANDLING OPERATION AND INSTALLATION OF A 12,000-GALLON ABOVE GROUND FUEL TANK AT 2847 INDUSTRY STREET – ROBERTSON'S OCEANSIDE – APPLICANT: ROBERTSON'S**

## RECOMMENDATION

Staff recommends that the Planning Commission by motion;

(1) Approve Development Plan (D-7-07) and Conditional Use Permit (C-12-07) by Adopting Planning Commission Resolution No. 2008-P05 with findings and conditions of approval attached herein.

(2) Approve the Mitigated Negative Declaration with the Mitigation, Monitoring and Reporting Program.

## PROJECT DESCRIPTION AND BACKGROUND

**Site Review and Background:** The subject site is approximately 2.95 acres in size and is situated on the north side of Loma Alta Creek, along Industry Street, just east of Foussat Road. The property slopes from northeast to southwest toward Loma Alta Creek. The site is currently vacant but has been previously used for wood truss manufacturing and includes several paved areas. Industrial land uses surround the property to the north, west and east. Loma Alta Creek and the North County Transit District (NCTD) Sprinter railroad tracks are to the south..

The zoning designation for the site is Industrial General (IG). The proposed concrete mix plant is classified as an Industrial General use - a permitted use within the subject zoning district. The General Plan Land Use for the site is General Industrial (GI). The subject designation permits a full range of industrial manufacturing and processing uses.

The Planning Commission held a public hearing on the project on October 23, 2006. The Commission approved the development proposal with a 4-to-3 vote. Following the hearing and prior to the end of the appeal period, a call for review was filed. The stated reasons for the review were the project's impacts to the environment; traffic, noise, quality of life on the surrounding neighborhood and adequacy of the evidence to support the required findings for approval of the Development Plan and Conditional Use Permit. The applicant withdrew their application prior to the City Council hearing and subsequently filed a new application. A Mitigated Negative Declaration was prepared that analyzed all issues originally raised in the call for review. The project and Mitigated Negative Declaration are the subject of this report.

**Project Description**: The proposed facility is a concrete manufacturing plant that will produce "ready mix" concrete for use in construction. The manufacturing plant would process a maximum of 1,200 cubic yards of concrete per day. The proposed project includes an enclosed aggregate storage building with a 12,000-gallon above-ground diesel fuel storage tank, as well as a batch plant and office building. The remainder of the site would consist of two detention basins, parking, and landscaping.

The project has been designed to recycle industrial water and would utilize detention basins in order to capture water and also protect water quality. Proposed vehicles include 17 employee vehicles (to be parked on-site during business hours), 15 ready-mix trucks (parked on-site during off-business hours), 10 sand/aggregate trucks (parked off-site), and four cement trucks (parked off-site). The sand/aggregate and cement trucks are to be parked off-site overnight at their respective sand/aggregate and cement facilities. A total of 18 on-site parking spaces, 15 driver spaces, and three office spaces, one of which is handicapped accessible, are proposed to be provided.

The proposed facility would operate from 6:00 A.M. to 6:00 P.M. Monday through Saturday. Deliveries of materials could occur between 6:00 A.M. to 9:00 P.M. Monday through Saturday. The plant would be operated by two on-site employees. Off-site employees would consist of a maximum of 15 drivers. A maximum of 120 concrete truck deliveries per day are projected.

**Facility Description:** The proposed facility would include the following elements:

**a.** **Materials Storage Building** – The materials storage building (approximately 9,440 square feet) would be 30 feet high and would be located in the northwestern corner of the site. The materials storage building would be designed to store and "recover" aggregate and sand.

Bottom dump trucks would deliver aggregate and sand from quarries outside of the project site and unload in an underground hopper just south of the building. The materials would then move through a system of conveyor belts into storage bins within the building. When needed by the batch plant, the materials (aggregate and/or sand) would be "recovered" through underground tunnels and transported by conveyor belts from the materials building to the batch plant located approximately 60 feet to the east. The materials storage building would be able to hold enough aggregate and sand for approximately two to three days of operations. On average, 62 truck deliveries (bottom dump trucks) per day would be required to keep the materials storage building supplied with enough sand and aggregate for day-to-day operations.

**b.** **Batch Plant** – The batch plant would consist of a concrete batch plant building (40 feet in height); two cement silos (65 feet in height); and a 1,005-square-foot batch office (14 feet in height). The architectural elevations for the batch plant are those of a typical modern commercial or industrial building. The single alley (only one truck loading area) concrete batch plant would contain a slurry blender which mixes the cement with water prior to adding the sand and aggregate. The water is precisely measured electronically to the concrete which reduces emissions and increases efficiency as compared to adding the water manually. The concrete ingredients are stored in the materials storage building and transferred to the batch plant as needed. The concrete ingredients would include Portland Cement (12 percent), fly ash (2 percent), sand and rock (aggregate) (78 percent) , water (8 percent), and small quantities of concrete admixtures (<1 percent). The slurry blender would mix the ingredients in an enclosed drum mixer and then transfer the concrete directly into a ready mix truck.

The Portland Cement would be stored in silos located within the batch plant building and transferred to the silos from delivery trucks which use compressed air to blow the cement into one of the three overhead storage silos. The silos would be completely enclosed and the air used for the transfer vented through a series of filters which remove emissions. The fly ash would be handled in a manner similar to the cement and together fly ash and cement are the "glue" that holds concrete together. The concrete admixtures are used in some circumstances to enhance the characteristics of the concrete and can consist of water reducers (increases strength), accelerators (increase early strength), or color pigments for architectural concrete.

The batch plant would include doors that automatically close once the truck is inside the plant (the proposed facility will be 100 percent enclosed, unlike traditional facilities). The doors have been designed to decrease noise levels by a minimum of 15 dB as described further in the Noise section of this document. The doors would be designed to give the building more of a commercial rather than industrial look.

**c.** **Above Ground Fuel Storage Tank** – The above ground fuel storage tank would be used to store up to 12,000 gallons of diesel fuel. The tank would be of double wall construction, would meet all government standards for fuel storage, and would include a secondary containment system to prevent the escape of fuel in the event of leakage

or spillage. The storage tank would require approval of a conditional use permit. In the event of a complete failure of the 12,000-gallon storage tank, the southern on-site detention basin would have more than sufficient capacity (73,000 gallons) to detain the diesel fuel and keep it from reaching Loma Alta Creek.

**d. <u>Office Building</u> -** The office building or "batch office" would be the only "occupied" building on the site and would be a single-story, approximately 1,005-square-foot, 14-foot high structure used as a sales office. There would be three parking spaces allocated for the office workers, one of which would be handicapped accessible.

**e. <u>Detention Basins</u>** – The project proposes two main detention areas. Stormwater runoff and industrial waste water would be captured by the detention area around the batch plant and recycled. A second on-site detention basin would capture stormwater runoff from the paved areas that are not related to the facilities. The detention basins would be concrete lined and the southerly stormwater detention basin has been designed to decrease runoff in a 100-year storm event from pre-project conditions of 14.01 cubic feet per second (CFS) to 8.43 CFS post project runoff. The basin would have a capacity of approximately 73,000 gallons before overflowing the weir which equates to approximately 13 hours of a 100-year storm event.

The detention basins would not percolate and stormwater detained in the 73,000-gallon southern detention basin would be pumped via an 18-gallon-per-minute pump back to the batch plant to be recycled. Potential pollutants captured by this detention facility will settle to the bottom of the basin and be removed by maintenance crews. Only after the thirteenth hour of a 100-year storm event would the stormwater overflow the southern detention basin via a concrete spillway and be bio-filtered by the landscaping and natural vegetation buffer prior to entering Loma Alta Creek.

A small portion of the site, the concrete driveway in the northeastern corner, because of the grade would not drain directly to the southern detention basin. Instead stormwater generated by this paved area would drain to an inlet (storm drain B) located within the driveway and travel via an underground pipeline to the southwest corner of the site where it would be treated by a gravity separator located adjacent to the southern detention basin then released into the natural vegetation adjacent to the creek.

**f. <u>Other Site Improvements</u>** – Implementation of the proposed project would result in approximately one acre of the 2.95-acre project site being graded for project access or parking. The driveway and parking areas would be paved with six inches of concrete. Grading and paving would occur only in areas that are currently paved or previously disturbed. The 0.36-acre of natural vegetation along Loma Alta Creek would not be disturbed. Other project elements would include open space landscaping designed to screen the project and improve aesthetics. The project will preserve 0.36 acre of native habitats on-site, including Loma Alta Creek and the 100-foot-wide vegetated buffer that would separate the plant from Loma Alta Creek to the south. The buffer would consist of a 50-foot-wide conservation buffer and minimum 50-foot-wide planning buffer that would protect the creek from batch plant activities. The entire

buffer area, including the creek, would be preserved in perpetuity within a conservation easement. This buffer is consistent with the Loma Alta Creek Watershed Management Plan and City's Draft Subarea Plan and is the first 100-foot wide buffer to be provided along Loma Alta Creek.

**g. Water Supply -** The primary source of water used in the making of the concrete would be via the City's water system. However, the project proposes to provide a supplemental source of water. This supplemental (recycled) water would be pumped from the holding basin which would capture water collected during operations or storm events. As much as one-third of the water used by the proposed facility would be recycled.

The project is subject to the following Ordinances and City policies:

1. Zoning Ordinance
2. General Plan Land Use Element
3. California Environmental Quality Act (CEQA)

## ANALYSIS

### KEY PLANNING ISSUES

1. Is the proposed project consistent with the underlying land use designation and zoning development criteria and compatible with surrounding land uses?

The zoning designation for the site is IG (General Industrial). The site is currently being used by a roof truss company consistent with the underlying IG Zone. The proposed concrete mix plant is classified as an Industrial General use - a permitted use within the subject zoning district. The General Plan Land Use for the site is General Industrial (GI). The subject designation permits a full range of industrial manufacturing and processing uses. The proposed batch plant is a permitted use within this land use category. The 12,000-gallon above ground storage tank requires approval of a conditional use permit. The tank and spill containment system is in compliance with all local, state, and federal laws and will not impact Loma Alta Creek to the south.

The tallest structure element of the proposed concrete plant (concrete silos) will be 65 feet, which is within the maximum allowable height of 80 feet. Approximately 50 percent of the site would be landscaped with native plants in the 100-foot buffer area and a mixture of native and non-invasive landscaping on the remainder of the site. This exceeds the applicable minimum landscaping requirement of 12 percent. The project meets or exceeds all other applicable development standards including setbacks and parking requirements.

The site and all properties to the north east and west are either zoned or currently in use as heavy industrial uses. As stated above, Loma Alta Creek to the south would be buffered by a vegetated 100-foot buffer. The railroad tracks and open space are further to the south. The proposed concrete batch plant will be totally enclosed in a building designed to look like a modern commercial/industrial structure, which is compatible with well-designed industrial buildings along the eastern part of Industry Street. The Oceanside Boulevard Visioning Process (2007) acknowledged that some of the industrial/commercial uses in the eastern portion of Industry Street were well designed and landscaped. The Robertson's Plant would be consistent in terms of design and landscaping with these industrial users.

2. Is the proposed project consistent with local, state, and federal environmental plans/policies?

Areas of potential concern such as visual quality, noise and biological impacts have been addressed through appropriate site design. Site planning of the proposed concrete batch plant is sensitive to Loma Alta Creek and open space properties to the south. The concrete mix facility will be enclosed by concrete tilt-up walls and designed in a manner that projects a high quality industrial project thus minimizing noise and aesthetic impacts to adjoining uses. Landscaping and perimeter walls will provide screening and buffering between public right-of-way and the proposed use. Significant tree/landscaping material plantings coupled with the strategic placement of facilities and perimeter wall enclosures will address visual concerns from the public right-of-way. The following are key environmental elements that have been addressed by site design and conditions of approval in the resolution:

Traffic Impacts/Traffic Impact Analysis: The concrete plant is capable of producing up to 1200 cubic yards of ready-mix concrete a day. Truck traffic generated by this project is projected to use Industry Street and other major roadways in the area such as El Camino Real and Oceanside Boulevard and will not use residential streets north of Oceanside Boulevard.

A Traffic Impact Analysis (September 5, 2007) was prepared by LOS Engineering, Inc., for the Robertson's Concrete Plant. The project's traffic generation was calculated using traffic data from similar concrete manufacturing plants owned and operated by Robertson's throughout Southern California. A Passenger Car Equivalent (PCE) factor of 2.0 from the Highway Capacity Manual was applied to trucks to account for slower operational characteristics. No credit was taken for replacement of the existing industrial use on the project site.

Based on the above conservative assumptions and potential maximum concrete production of 1200 cubic yards daily, it was concluded that the concrete plant will generate 802 average daily trips. Oceanside Boulevard will operate at acceptable levels of service with and without project traffic under both existing and future conditions and under both production capacity scenarios. It should be noted that the project, depending on maximum daily production, will generate only 418 *actual* daily trips, with

the difference due to the PCE factor. If the site was developed with an alternate industrial use, that use could generate up to 450 daily trips whereas an office development proposal could result in up to 1,800 daily trips.

El Camino Real is a six-lane prime arterial. The majority of truck traffic anticipated to use El Camino Real will do so via Industry Street for southbound access to State Route 78. The addition of truck traffic on El Camino Real and Oceanside Boulevard is not expected to impact peak traffic and commuter conditions on these streets since the majority of plant operations occur between peak traffic periods. However, the following traffic conditions have been included in the project resolution to ensure good roadway operations in the project vicinity:

- The project shall increase the left turn pocket at least 50 feet at the existing median island located on northbound El Camino Real at Industry Street. This improvement shall be completed to the satisfaction of the City Engineer.
- At the intersection of Foussat Road and Oceanside Boulevard, the project shall replace the existing traffic signal controller and cabinet, install a battery backup system and install traffic signal mast arms and signal heads on Foussat Road prior to the issuance of certificate of occupancy and to the satisfaction of the City Engineer.
- At the intersection of Garrison Street and Oceanside Boulevard, the project shall install a new battery backup system prior to the issuance of certificate of occupancy and to the satisfaction of the City Engineer.

Hydrology/Water Quality: The site is currently partially paved and developed with buildings. Approximately 29 percent of the property is currently impervious. Existing storm runoff generally sheetflows from a northeastern to a southwest direction into Loma Alta Creek. The proposed project will increase the impervious area by about 10 percent.

The proposed improvements include new buildings, paved driveways, parking lot and landscaped areas. Post-construction imperviousness of the site will increase to about 39 percent. As designed, the concrete batch plant will be located in a shallow retention basin to collect the industrial wastewater during normal operations for recycling through the plant. This area incorporates a grade break that allows runoff to flow around it. The pond is deep enough to hold the required runoff from the area and high enough to keep other site water from entering it. This basin can hold the equivalent of a 100-year storm event. Most water will be recycled back through the plant, however, a biofilter and natural vegetation is included in the site design to provide the additional treatment for site runoff.

Washing of equipment and vehicles will take place adjacent to the batch plant building area. Runoff generated from these washing activities will be captured by the shallow retention basin and recycled for use in the plant. Accumulated water at the materials storage system area will be pumped back to the batch plant for normal operations or dust-control. The fueling area will be paved with Portland cement concrete or equivalent smooth impervious surface. The subject area will be constructed with a grade break to prevent ponding, as well as to prevent run-on of urban runoff.

The project is subject to compliance with City of Oceanside and Regional Water Quality Control Board (RWQCB) requirements which require compliance with the following State regulatory requirements: Statewide General Construction Stormwater Permit, Industrial Stormwater Permit, Aboveground Petroleum Storage Act, and Clean Water Act Section 401 Water Quality Certification. No discharge of polluted industrial wastewater into Loma Alta Creek will be permitted. The Regional Water Quality Control Board (RWQCB) has reviewed the development plan and conditional use permit for the project and has concluded that compliance by Robertson's with State and City of Oceanside requirements will mitigate potential impacts to water quality from the project.

A Stormwater Management Plan (2007) was prepared by Lyle Engineering, Inc., and has been reviewed and approved by the City Engineer. The purpose of the Stormwater Management Plan was to address any potential water quality impacts related to the Robertson's Concrete Plant. The Plan evaluated and addressed the potential pollutants associated with this project and their effect on water quality. In order to address water quality for the project, Best Management Practices (BMPs) will be implemented.

Air Quality: Oceanside falls within the San Diego Air Basin and the jurisdiction of the San Diego County Air Pollution Control Board and District (SDAPCD). Therefore Robertson's development proposal will be subject to review and approval by SDAPCD, prior to issuance of grading permits.

SDAPCD's mission is to protect the public from harmful effects of air pollution and achieve and maintain air quality standards. The District's permit system ensures that potentially polluting operations and industrial equipment meet the emission standards set forth by District rules and regulations and by applicable sections of the Health and Safety Code.

The proposed concrete batch plant dust-generating activities are proposed to be enclosed; bag houses and filter vents will be used to further reduce dust emissions at transfer points, and enclosed conveyors have been incorporated in the project design.

During operations, trucks would enter the site to deliver raw materials, including sand and rock to a drive-over hopper. The materials will be transferred from the truck underground, reducing any dust emissions from the activity. The materials will then be conveyed to an enclosed storage area. When the cement is delivered to the site it will be blown from the trucks into overhead, enclosed silos within the plant. The air used for transfer of the cement to the silos will be vented through a series of filter vents to remove particulate/dust emissions. The cement would then be gravity-fed to weigh hoppers.

Ready-mix trucks would enter where aggregates and the cement/water mixture is delivered into the truck. A shroud would drop over the truck when the concrete is being loaded and a negative bag house will vent any dust or particulates. Dust emissions from within the batch plant will be passed through filter vents and negative-pressure bag houses, which reduce particulate emissions by removing particles from the air to the filter. Due to the enclosed nature of the mixing plant and the entire facility, and the dust control

measures in place, including enclosed conveyors and filter vents, any potential dust emission from operations of the plant are anticipated to be minimal and will be in compliance with Oceanside Code requirements and SDAPCD regulations.

Noise: A noise study was prepared by Giroux & Associates (2007) to analyze any potential noise impacts from the proposed project. The underlying land use and zoning designation for the site is General Industrial. The General Industrial designation accommodates a full range of industrial manufacturing and processing uses. The site is surrounded by Industrial-zoned parcels on all sides except to the south where it adjoins the railroad and residential-zoned property currently approved as open space as part of the Eternal Hills project. The proposed batch plant is a permitted use within the industrial zoning category.

The City's Municipal Code includes a Noise Ordinance, which implements the goal and policies contained in the Noise Element of the General Plan and identifies acceptable noise levels for individual zoning districts within the community. It is unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property on which the sound is produced exceed the applicable limits set in the Oceanside City Code, Chapter 38 Noise Control, Section 31.12. Where property lines form the joint boundary of two district zones as is the case in this instance, the sound level limit is the mathematical mean of the limit applicable to each of the zones. The applicable daytime (7:00 a.m. to 9:59 p.m.) sound limit standard for the subject property is 60 dB. At night (10:00 p.m. to 6:59 a.m.) the noise standard is 55dB.

The project's structures are fully enclosed and the project will be subject to compliance with City Noise Ordinance requirements. During construction, work hours shall be limited to between 7:00 a.m. and 6:00 p.m Monday through Friday and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Therefore, the noise study found that at the property lines, noise from the plant will not exceed 48 db, which is within the limits of 60 db during the daytime and 55 db at night.

Cultural Resources: A cultural resources survey was conducted for the proposed project, which found that there have been no recorded sites on the project site or in the immediately surrounding area. However, there are noted sites as close as 750 feet northeast of the project site and 2,000 feet to the southeast on the Eternal Hills project area. Because of the proximity of these sites, a monitoring program is being required during initial site grading in the event that any cultural resources are discovered.

Biology: No direct impacts to Loma Alta Creek or any native habitat will occur with project implementation and no permits are required from the Wildlife Agencies. The City has adopted the Loma Alta Creek Watershed Management Plan (LACWMP) and is in the process of adopting the City's Draft Subarea Plan. Both plans call for a minimum 100-foot buffer from Loma Alta Creek. The buffer is to be comprised of a 50-foot biological or vegetated buffer and an additional 50-foot planning buffer that would contain no parking or high use areas. The proposed project has provided a 100-foot buffer (see Condition

121) in conformance with these requirements that would be landscaped with native plants that could support the threatened Californiagnatcatcher and is compatible with riparian vegetation in the creek. The southernmost concrete detention basin will be in a portion of the second 50-foot planning buffer and will not be a high use area. The 100-foot buffer will be placed under a conservation easement and will ensure that there are no indirect or direct impacts to Loma Alta Creek. This is the first 100-foot buffer to be provided along Loma Alta Creek.

The City's draft Subarea Plan shows the subject property to be within the Wildlife Corridor Planning Zone. Properties larger than 2 acres are required to conserve 50 percent of the parcel as open space, and may remove no more than 25 percent of the coastal sage scrub. No coastal sage scrub will be impacted by the proposed project, but will actually be restored and expanded into the 100-foot buffer area adjacent to Loma Alta Creek. Forty six percent of the site is currently shown as open space and the project has been conditioned to provide a minimum 50 percent open space either onsite or provide the additional 4 percent open space at an offsite area to be approved by the City.

## ENVIRONMENTAL DETERMINATION

Staff has reviewed the project and determined that with the implementation of project conditions and mitigation measures discussed above, no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design. A Mitigated Negative Declaration was prepared pursuant to the provisions of the California Environmental Quality Act.

The Planning Division advertised that a draft Mitigated Negative Declaration would be posted for 20 days with the Office of the San Diego County Clerk commencing on September 21, 2007 and ending on October 22, 2007. A number of comments were received during public review of the environmental document and responses to the comments are included in the Final Mitigated Negative Declaration.

## PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record/and occupants within a 1500-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant.

## SUMMARY

In summary, staff finds that the Development Plan is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets or exceeds all applicable development standards. The project site is situated within the IG zone, which is intended to accommodate a full range of industrial manufacturing and processing uses. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

-- Move to approve the Mitigated Negative Declaration, and

-- Move to approve Development Plan (D-8-05) and Conditional Use Permit (C-12-07) and adopt Planning Commission Resolution No. 2008-P05 as attached.

PREPARED AND SUBMITTED BY:

Jerry Hittleman
City Planner

JH//fil

Attachments:
1. Planning Commission Resolution No. 2008-P05
2. Site Plan/Floor Plans Landscaping Plans and Elevations
3. Final Mitigated Negative Declaration available at Planning Division

ATTACHMENT 6

RECEIVED
JAN 29 2008
Planning Department

RECEIVED
JAN 29 2008
CITY CLERK OFFICE

# ACCEPTANCE OF APPEAL
(OFFICE USE ONLY)

Appeal of: CUP C-12-07 Development Plan D-7-07 Resolution 2008-P05

Date of Final Action: 1-28-07 Date Filed: 1-29-07

Form of Appeal: $656 Appeal Fee ✓ Petition _____

Person Submitting Appeal: Christine Goeyvaerts

Company/Developer Representative, Company Name: Robertson's

Name of Person who Prepared the Appeal: Christine Goeyvaerts

Name of Spokesperson for the Appeal: Christine Goeyvaerts and Bernie Rhinerson

Address: P.O. Box 3600
Corona, Ca 92878

Phone Number: (951) 760-4241

E-mail and/or Fax: Christineg@rrmca.com

Appeals must be filed within 10 days of the date of final action. **Section 4604**: To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

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

Signature: [signature] Date: 1/29/07

**ROBERTSON'S**
P.O. BOX 3600
CORONA,CA 92878-3600
(951) 493-6500

**BANK of AMERICA**
COMMUNITY DEVELOPMENT BANK
1500 NEWELL AVENUE, SUITE 200
WALNUT CREEK, CA 94596

90-4182
1211

313079

CHECK DATE 1-29-07

CHECK NO.

PAY Six hundred fifty six 00/100

PAY TO THE ORDER OF City of Oceanside

PAY EXACTLY
CHECK AMOUNT
$656.00

Kay Bennett

VOID AFTER 90 DAYS

7315

WARNING: Original document has an artificial watermark on reverse side and a microprint signature line that can only be seen under magnification.

⑈313079⑈ ⑆121141822⑆ 73133⑈01008⑈

RECEIPT

DATE 1/29/08 No. 435182

FROM Robertsons/ $656.00

Six hundred fifty-six + 00/100 DOLLARS

○ FOR RENT
☒ FOR Appeal of CUP C-12-07 / D-7-07

| ACCT. | |
|---|---|
| PAID | 656 — |
| DUE | 0 |

○ CASH
☒ CHECK
○ MONEY ORDER

FROM _____ TO _____

BY Selerin King

1152

# ROBERTSON'S

ROCK ▪ SAND ▪ BASE MATERIALS
READY MIX CONCRETE

City of Oceanside
300 N. Coast Highway
Oceanside, Ca 92054

Regarding: Planning Commission decision on January 28, 2008
Consideration of a development plan (D-7-07) and Conditional Use Permit (C-12-07) Robertson's Oceanside

We respectfully appeal the decision of planning commission on the grounds that the decision was not made upon existing City code and zoning principles.

Christine Goeyvaerts

Robertson's

P.O. Box 3600 • Corona, California 92878-3600
(951) 493-6500 • Fax (951) 493-6442

**Vida Murrell** ATTACHMENT 7

**From:** Jerry Hittleman
**Sent:** Wednesday, February 13, 2008 2:35 PM
**To:** 'nadia550@sbcglobal.net'
**Cc:** Vida Murrell
**Subject:** FW: call for appeal FINAL

Nadine,

There was also a Call for Review of the Mitigated Negative Declaration by Councilmember Sanchez - please see below.

Thanks,

Jerry

---

**From:** Barbara Riegel Wayne
**Sent:** Thursday, February 07, 2008 12:00 PM
**To:** Elizabeth Trujillo; Esther Sanchez
**Cc:** Peter Weiss; Jerry Hittleman
**Subject:** RE: call for appeal FINAL

Following further information received and clarification on the Planning Commission minutes, we have accepted the Call for Review. For your information we also have an appeal filed on the project.

Barbara Riegel Wayne
City Clerk
City of Oceanside
300 North Coast Hwy.
Oceanside, CA 92054

---

**From:** Elizabeth Trujillo
**Sent:** Wednesday, February 06, 2008 5:17 PM
**To:** Barbara Riegel Wayne
**Cc:** Peter Weiss; Jerry Hittleman
**Subject:** call for appeal FINAL

To whom it may concern:

RE: Planning Commission Decision Denying Development Plan (D-7-07) and Conditional Use Permit (C-12-07) and Planning Commission Resolution No 2008-PO5 and approving the Final Mitigated Negative Declaration.

Applicant: Robertson's: at 2847 Industry Street

Please be advised that Councilmember Esther Sanchez would like to call for review the above referenced decision affirming and adopting the Mitigated Negative Declaration made by the Planning Commission on January 28, 2008.

The reasons for this review are the inadequacies/insufficiencies of the Final Mitigated Negative Declaration including but not limited to the following issues:
environmental, CLOMR/LOMR, water, air quality, traffic, noise, floodplain, storm water, other pending/approved projects that may affect this project, quality of life on the surrounding neighborhoods, the lack of sufficient mitigation measures and/or conditions in the Resolution to address these impacts.

and the failure to address the publics' and experts' concerns brought up in the record and at the hearing.

**Elizabeth Trujillo**
Council Aide
Office of Councilmember Esther Sanchez
City of Oceanside
300 N.Coast Highway
Oceanside, Ca 92054
760-435-3044 (office)
760-435-6065 (fax)
etrujillo@ci.oceanside.ca.us
www.ci.oceanside.ca.us

As a resident, I am opposed to the Robertson's concrete plant for the following reasons:

- This project is in the floodplain and much of the site is in the 'floodway', meaning it floods 1-3 per year.
- This project has a huge potential to contaminate the creek (with materials that will routinely be on the site), which drains into the Pacific Ocean.
- The recent rains in November and January completely flooded this site and numerous nearby businesses.
- This project will bring more heavy, dangerous truck traffic to the Oceanside Boulevard corridor area.
- This project does not fit in with council adopted Oceanside Blvd. Vision Task Force Plan.

Please do not approve this project for our beautiful city. Thank you.

Name EVELYN EVANS

Address: 608 MISSOURI AVE

Oceanside CA zip 92054

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Please do not approve this project for our beautiful city. Thank you.

Name Louis Schwartz

Address: 1936 Andreas Ct.

Oceanside CA zip 92054

ATTACHMENT 8

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Please do not approve this project for our beautiful city. Thank you.

Name Bernice Klein

Address: 5169 Bella Collina

Oceanside CA zip 92056

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Please do not approve this project for our beautiful city. Thar you.

Name Chuck McDonell

Address: 2613 Fire Mountain Dr

Oceanside CA zip 92054

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Please do not approve this project for our beautiful city. Thank you.

Name Jasmine Arneson

Address: 2939 mesa Dr

Oceanside CA zip 92054

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Name Heather Felton

Address: 2939 mesa DR

Oceanside CA zip 92054

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Name GREG DEBERRY

Address: 237 WALSH ST

Oceanside CA zip 92054

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Please do not approve this project for our beautiful city. Thanl you.

Name DONNA M'GINTY

Address: 2405 MESA DRIVE

Oceanside CA zip OCEANSIDE 92054

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Please do not approve this project for our beautiful city. Thank you.

Name Sandee Manvel

Address 2812 MacDonald st.

Oceanside CA zip 92054

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Name BERT MANVEL

Address: 2812 MACDONALD ST.

Oceanside CA zip 92054

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Please do not approve this project for our beautiful city. Thank you.

Name SONIA MANUEL

Address: 2812 MACDONALD ST

Oceanside CA zip 92054

As a resident, I am opposed to the Robertson's concrete plant for the following reasons:

- This project is in the floodplain and much of the site is in the 'floodway', meaning it floods 1-3 per year.
- This project has a huge potential to contaminate the creek (with materials that will routinely be on the site), which drains into the Pacific Ocean.
- The recent rains in November and January completely flooded this site and numerous nearby businesses.
- This project will bring more heavy, dangerous truck traffic to the Oceanside Boulevard corridor area.
- This project does not fit in with council adopted Oceanside Blvd. Vision Task Force Plan.

Please do not approve this project for our beautiful city. Thank you.

Name Mike Bullock

Address: 1800 Bayberry Dr.

Oceanside CA zip 92054

As a resident, I am opposed to the Robertson's concrete plant for the following reasons:

- This project is in the floodplain and much of the site is in the 'floodway', meaning it floods 1-3 per year.
- This project has a huge potential to contaminate the creek (with materials that will routinely be on the site), which drains into the Pacific Ocean.
- The recent rains in November and January completely flooded this site and numerous nearby businesses.
- This project will bring more heavy, dangerous truck traffic to the Oceanside Boulevard corridor area.
- This project does not fit in with council adopted Oceanside Blvd. Vision Task Force Plan.

Please do not approve this project for our beautiful city. Thank you.

Name ALAN CASE

Address: 2815 MESA DR.

Oceanside CA zip 92054-3702

As a resident, I am opposed to the Robertson's concrete plant for the following reasons:

- This project is in the floodplain and much of the site is in the 'floodway', meaning it floods 1-3 per year.
- This project has a huge potential to contaminate the creek (with materials that will routinely be on the site), which drains into the Pacific Ocean.
- The recent rains in November and January completely flooded this site and numerous nearby businesses.
- This project will bring more heavy, dangerous truck traffic to the Oceanside Boulevard corridor area.
- This project does not fit in with council adopted Oceanside Blvd. Vision Task Force Plan.

Please do not approve this project for our beautiful city. Thank you.

Name RICK KNATOSKY

Address: 2110 Foster

Oceanside CA zip OCEANSIDE, CA. 92054

As a resident, I am opposed to the Robertson's concrete plant for the following reasons:

- This project is in the floodplain and much of the site is in the 'floodway', meaning it floods 1-3 per year.
- This project has a huge potential to contaminate the creek (with materials that will routinely be on the site), which drains into the Pacific Ocean.
- The recent rains in November and January completely flooded this site and numerous nearby businesses.
- This project will bring more heavy, dangerous truck traffic to the Oceanside Boulevard corridor area.
- This project does not fit in with council adopted Oceanside Blvd. Vision Task Force Plan.

Please do not approve this project for our beautiful city. Thank you.

Name Phil Needleman

Address: 2717 MESA DR

Oceanside CA zip OSIDE 92054

As a resident, I am opposed to the Robertson's concrete plant for the following reasons:

- This project is in the floodplain and much of the site is in the 'floodway', meaning it floods 1-3 per year.
- This project has a huge potential to contaminate the creek (with materials that will routinely be on the site), which drains into the Pacific Ocean.
- The recent rains in November and January completely flooded this site and numerous nearby businesses.
- This project will bring more heavy, dangerous truck traffic to the Oceanside Boulevard corridor area.
- This project does not fit in with council adopted Oceanside Blvd. Vision Task Force Plan.

Please do not approve this project for our beautiful city. Thank you.

Name Kate King

Address: 901 San Juan Place

Oceanside CA zip Oceanside 92058

As a resident, I am opposed to the Robertson's concrete plant for the following reasons:

- This project is in the floodplain and much of the site is in the 'floodway', meaning it floods 1-3 per year.
- This project has a huge potential to contaminate the creek (with materials that will routinely be on the site), which drains into the Pacific Ocean.
- The recent rains in November and January completely flooded this site and numerous nearby businesses.
- This project will bring more heavy, dangerous truck traffic to the Oceanside Boulevard corridor area.
- This project does not fit in with council adopted Oceanside Blvd. Vision Task Force Plan.

Please do not approve this project for our beautiful city. Thank you.

Name Kenneth Gilmore

Address: 2617 Fire Mountain Dr

Oceanside CA zip 92054

As a resident, I am opposed to the Robertson's concrete plant for the following reasons:

- This project is in the floodplain and much of the site is in the 'floodway', meaning it floods 1-3 per year.
- This project has a huge potential to contaminate the creek (with materials that will routinely be on the site), which drains into th Pacific Ocean.
- The recent rains in November and January completely flooded this site and numerous nearby businesses.
- This project will bring more heavy, dangerous truck traffic to tl Oceanside Boulevard corridor area.
- This project does not fit in with council adopted Oceanside Blv Vision Task Force Plan.

Please do not approve this project for our beautiful city. Thank you.

Name Floyd Hall

Address: 120 Valley View Lane

Oceanside CA zip ~~92054~~ 92054-454

## Vida Murrell

**From:** Jerry Hittleman
**Sent:** Wednesday, February 13, 2008 2:35 PM
**To:** 'nadia550@sbcglobal.net'
**Cc:** Vida Murrell
**Subject:** FW: call for appeal FINAL

Nadine,

There was also a Call for Review of the Mitigated Negative Declaration by Councilmember Sanchez - please see below.

Thanks,

Jerry

---

**From:** Barbara Riegel Wayne
**Sent:** Thursday, February 07, 2008 12:00 PM
**To:** Elizabeth Trujillo; Esther Sanchez
**Cc:** Peter Weiss; Jerry Hittleman
**Subject:** RE: call for appeal FINAL

Following further information received and clarification on the Planning Commission minutes, we have accepted the Call for Review. For your information we also have an appeal filed on the project.

Barbara Riegel Wayne
City Clerk
City of Oceanside
300 North Coast Hwy.
Oceanside, CA 92054

---

**From:** Elizabeth Trujillo
**Sent:** Wednesday, February 06, 2008 5:17 PM
**To:** Barbara Riegel Wayne
**Cc:** Peter Weiss; Jerry Hittleman
**Subject:** call for appeal FINAL

To whom it may concern:

RE: Planning Commission Decision Denying Development Plan (D-7-07) and Conditional Use Permit (C-12-07) and Planning Commission Resolution No 2008-PO5 and approving the Final Mitigated Negative Declaration.

Applicant: Robertson's: at 2847 Industry Street

Please be advised that Councilmember Esther Sanchez would like to call for review the above referenced decision affirming and adopting the Mitigated Negative Declaration made by the Planning Commission on January 28, 2008.

The reasons for this review are the inadequacies/insufficiencies of the Final Mitigated Negative Declaration including but not limited to the following issues:
environmental, CLOMR/LOMR, water, air quality, traffic, noise, floodplain, storm water, other pending/approved projects that may affect this project, quality of life on the surrounding neighborhoods, the lack of sufficient mitigation measures and/or conditions in the Resolution to address these impacts.

and the failure to address the publics' and experts' concerns brought up in the record and at the hearing.

**Elizabeth Trujillo**
Council Aide
Office of Councilmember Esther Sanchez
City of Oceanside
300 N.Coast Highway
Oceanside, Ca 92054
760-435-3044 (office)
760-435-6065 (fax)
etrujillo@ci.oceanside.ca.us
www.ci.oceanside.ca.us

## Amy Volzke

**From:** Chuck McDonell [chuck.mcdonell@cox.net]
**Sent:** Sunday, October 21, 2007 5:58 PM
**To:** Amy Volzke
**Subject:** Fire Mountain Residents are Opposed to Robertsons
**Attachments:** Robertsons Locations.xls

So far, none of the Fire Mountain residents I've spoken with favor the Robertson's Ready-Mix Cement Plant. After reading the City of Oceanside's Mitigated Negative Declaration (MND), and Academy Consulting Corporations soil document related to the cement plant, I have concluded there is no justification for putting this operation at the proposed site or anywhere else in Oceanside. Efforts to build Robertson's cement plants in Vista and San Marcos were denied. Other cities have had problems with Robertson's operations such as Murrieta where there were numerous violations of overfilling concrete trucks and concrete spills. Only Escondido approved their application and only after putting significant limitations and restrictions on Robertson's operations. They also required the installation of a traffic signal, limited the amount of cement to be produced with daily monitoring via a website, designated traffic routes, and reduced the hours of operation. Robertson's also has to contribute to future transportation projects in Escondido as mitigation to damage done to local streets, etc. The project was approved on a split vote and was approved despite objections by nearby residents. The Escondido limitations reduce the operations to less than that being proposed for Oceanside. I have to wonder why similar restrictions haven't been required by the City of Oceanside.

I understand why Robertson's wants to get a foothold in North County. If you look at the location of their other plants in Southern California (see attached Excel spreadsheet), you'll see North County is not well covered. And the restrictions placed on their operations by Escondido limit their production so they probably feel more sites are needed in this area. So after being turned down by Vista and San Marcos, the next city on the list becomes Oceanside. But why is it OK to build in Oceanside when they obviously have trouble getting cities to approve their operations? Full disclosure must be insisted upon in order for Oceanside to fully evaluate the impact of such operations in our beautiful city. Studies done by the cities of Vista, San Marcos and Escondido should be a part of the study. Since the proposed plant features some unique designs, studies from the City of Lake Forest where a similar design was approved should also be included. And because there are so many environmental issues related to the Oceanside location, an Environmental Impact Report must be a part of the process.

With so many obvious issues regarding the cement plant's operation and location, it's amazing to me that the application was not denied from the start. Had this been done, it would have saved the city and everyone else's time and expense from having to read lengthy documents and write letters such as these. And you probably get tired of reading similar concerns from good citizens who care about their city. But your rules state that unless public comment is received by a certain deadline and that the comments include everything but the kitchen sink, then in making a determination of whether to approve or deny a project if an important point is not documented then it cannot be used in making a final determination. So, here is a list of the issues I have with the Robertson proposal:

- It's incompatible with the Oceanside Boulevard Vision recommendations
- Zoning changes should be enacted to prevent this and similar industries from building in the Oceanside Boulevard Vision corridor
- This property could be better used as the keystone of a business district to bring in high-salaried jobs and upscale industries which would generate more revenue to the city in the long run
- The Robertson's cement plant would lower property values
- It's almost universally objected to by surrounding residents and businesses
- It's located next to a sensitive habitat that can be adversely impacted by such operations
- It's located in a flood plain
- It's subject to liquefaction during earthquakes
- It's got a 12,000 gallon fuel tank on the property which could result in catastrophic consequences under certain conditions. Will there be a double walled containment system to contain breaches?

- It's too big a structure for the area which negatively impacts views and nearby businesses
- It's hours of operation are too early and too late and will disturb nearby residents, businesses and wildlife
- It will have night lighting that will impact viewing of the night sky by nearby residents and activities of nocturnal wildlife
- Its vehicle back-up alarms, rock and sand deliveries and other operations will generate noise outside their buildings that adds to the loss of tranquility of the area. (We're already going to hear the Sprinter all day—we don't need more noisy operations).
- Its vehicles could end up queued along Industry Street waiting to pick up a load of concrete. Is there enough on-site parking to accommodate all vehicles associated with the operation?
- Its vehicles could impede commuter access to the nearby Sprinter stations
- Its slow-moving vehicles could impede visibility and traffic flow going up hills such as Fousat Rd and El Camino Real
- Its slow-moving vehicles could impede visibility and traffic flow getting to and leaving from Industry Street
- Left turn lanes may need to be lengthened to accommodate traffic backed up trying to get to Industry Street businesses
- Streets will require more frequent maintenance due to damage caused by the heavy weight of the vehicles
- Concrete spills will become frequent issues for our street maintenance crews
- Increased monitoring will be needed to ensure compliance with load restrictions, etc.
- Diesel trucks and concrete dust will further degrade our air quality
- Odors from plant operations will permeate the neighborhood just as odors from the compost pile at El Corazon did earlier this year
- Activities such as mixing concrete and washing off trucks will use a lot of water. Is the use of recycled water being considered?
- Waste water may exceed the capacity of the retention basin. What provisions are being done to prevent runoff into the Loma Alta Creek?
- The drawing of the proposed plant looking south (Fig 5a of Recon Report), minimizes Fire Mountain behind it. Was this a deliberate oversight to make the site look smaller than reality? Or is the building really so large that it almost completely hides Fire Mountain behind it?
- I question the conclusions drawn by RECON Environmental Inc that the plant will have no significant effect on traffic, air quality, noise, or nearby Loma Alta Creek. It flies in the face of logic and makes me suspicious that RECON based their conclusions on selected information—eliminating other data sources such as the Academy Consulting Corporations soil report to suit their agenda. Perhaps a second opinion is needed.
- Also the LOS Engineering Study just uses a cement truck as if it represents two cars for statistical purposes. I'd be very upset if I had to constantly drive at 5 – 10 miles per hour behind two cars going up El Camino Real or Fousat Rd. I think they should have used an actual cement truck(s) fully loaded for some of their analysis. This study needs a dose of reality.
- Given the sites proximity to the Loma Alta Creek watershed, the Myers Property and Eternal Hills property that is part of the Multiple Habitat Conservation Program (MHCP), an Environmental Impact Report must be a part of the study.
- The studies done so far seem incomplete. We should gather information from other available sources—especially studies done by the cities of Vista, San Marcos, Escondido and Lake Forest as part of the process.
- The project is too controversial to be approved by the Planning Commission alone and should be presented to the City Council with public comment before a final decision is rendered.
- More study needs to be done to show just how much revenue would go to the City of Oceanside. Remember to deduct the cost of street repairs, left turn lane and traffic signal modifications, compliance monitoring, possible lawsuits, etc. from the anticipated 'windfall'.
- While the City of Oceanside can use additional revenue, a line has to be drawn where quality of life trumps everything else. We must not approve projects just because they can bring in additional revenue. We must think about the future and what kind of city our children will inherit.

Thank you for your time and consideration.

Chuck McDonell
2613 Fire Mountain Dr
Oceanside, CA 92054
760.754.6708
chuck.mcdonell@cox.net

| Robertson's Location | County | Concrete Dispatch Locations | Rock&Sand Dispatch Locations |
|---|---|---|---|
| Gardena | Los Angeles | X | |
| Irwindale | Los Angeles | X | |
| L.A./Vernon | Los Angeles | X | |
| N. Hollywood | Los Angeles | X | |
| Paramount | Los Angeles | X | |
| Pasadena | Los Angeles | X | |
| Pomona | Los Angeles | X | |
| Santa Fe Springs | Los Angeles | X | |
| Anaheim | Orange | X | |
| Irvine | Orange | X | |
| Lake Forest | Orange | X | |
| San Clemente | Orange | X | |
| Santa Ana | Orange | X | |
| Banning | Riverside | | X |
| Beaumont | Riverside | X | |
| Cabazon | Riverside | X | X |
| Corona | Riverside | X | |
| Hemet | Riverside | X | |
| Moreno Valley | Riverside | X | |
| Murrieta | Riverside | X | |
| Riverside | Riverside | X | |
| Sun City | Riverside | X | |
| Thousand Palms | Riverside | X | |
| Adelanto | San Bernardino | X | |
| Arrowhead | San Bernardino | X | |
| Fontana | San Bernardino | X | |
| Lucerne | San Bernardino | X | X |
| Redlands | San Bernardino | X | X |
| Rialto | San Bernardino | X | X |
| Upland | San Bernardino | X | |
| El Cajon | San Diego | X | |
| Escondido (future) | San Diego | X | |
| Miramar | San Diego | X | |
| Oceanside (proposed) | San Diego | X | |
| Otay Mesa | San Diego | X | |

## Amy Volzke

**From:** John Hansen [osideatty@yahoo.com]
**Sent:** Sunday, October 21, 2007 10:34 AM
**To:** Amy Volzke
**Cc:** City Council
**Subject:** Vote No on Robertson Cement Plant

Honorable Members of the Oceansside City Council,

I would like to voice my opposition to the Robertson cement plant proposal on Industry Street. This project should be rejected. It is clearly incompatible with the surrounding neighborhood. This is a highly industrial use which would ruin any hope for desirable development in the immediate vicinity.
It's time for the City to stop approving projects which decrease the value and desirability of the surrounding neighborhoods. This is a prime example.

Yes, the tax revenue is needed, but the city should not make a bad land use decision in the name of tax revenue. This project will be an eyesore to the immediate area and render it totally undesirable to future high-end commercial developments which I believe are part of the O'side Blvd vision.

If Oceanside is ever to achieve the status of a first rate city, we need to start acting like one. No first rate city would approve a undesirable project like this in such a location. First rate cities emphasize the development of business districts which employ highly educated people who work in knowledge industries (professional services, technology,
biotech,etc.) which pay good salaries which then boost property values. This should be your focus. Achieve it and you will have development which you can be proud of and more total tax revenue than you will if you go down the road created by this project.
Approval of this cement plant will decrease property values and render that entire corridor permanently undesirable.

Do the right thing. Don't let tax revenue determine your decision. Make your decision on what is best for this area. This one should not even be close.

Thank you,

John Hansen
1802 Bailey Drive
Oceanside

## Amy Volzke

**From:** Mike Blessing
**Sent:** Friday, October 19, 2007 9:56 PM
**To:** Jerry Hittleman; Amy Volzke
**Subject:** FW: Full Environmental Review Needed for Robertson Cement Plant
**Attachments:** Robertson_Cement_plant.let.doc; SuperiorReadyMix3.pdf; SuperiorReadyMix2.pdf; SuperiorReadyMix1.pdf

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**From:** Joy Williams [mailto:JoyW@environmentalhealth.org]
**Sent:** Fri 10/19/2007 1:24 PM
**To:** City Council
**Subject:** Full Environmental Review Needed for Robertson Cement Plant

Dear Mayor Wood, Deputy Mayor Chavez, and Council Members:

Environmental Health Coalition (EHC) sent a letter in February, 2007, in support of Oceanside residents who oppose the proposed siting of Robertson Plant at 2847 Industry Street, and/or believe that full environmental review is needed for this project. EHC continues to believe this project requires full environmental review. Our reasons are detailed in the letter from February, which is attached, along with information on air toxic emissions from a similar plant in Escondido.

Thank you for your attention to this important matter.

Joy Williams
Community Assistance/Research Director
Environmental Health Coalition
401 Mile of Cars Way, Suite 310
National City CA 91950
JoyW@environmentalhealth.org
(619) 474-0220 phone
(619) 474-1210 fax

Environmental Health Coalition
COALICIÓN de SALUD AMBIENTAL
401 Mile of Cars Way, Suite 310 · National City, CA 91950 · (619) 474-0220 · FAX: (619) 474-1210
ehc@environmentalhealth.org · www.environmentalhealth.org

February 13, 2007

Mayor Jim Wood and Council Members
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

Re: Full Environmental Review needed for Robertson Plant

Dear Mayor Wood, Deputy Mayor Chavez, and Council Members:

Environmental Health Coalition is a 26-year-old, nonprofit environmental justice organization that has worked over many years to protect community residents from industrial toxic pollution. Most of our work has centered on San Diego's older, poorer neighborhoods that have a history of incompatible land use that allows industries to locate near sensitive uses such as homes and schools. One lesson we have learned repeatedly over the years is that problems resulting from incompatible land uses are very difficult to remedy once the land uses are established. Based on this experience, we are concerned that the proposed siting of Robertson cement mix batch plant at 2847 Industry Street, within 300 feet of residential land parcels, may create hazardous air quality for the residents. A full environmental review that includes assessment of the projected toxic air emissions from the plant is warranted. The reasons for our concern are detailed below.

1. Cement Manufacturing Plants are Listed by California Air Resources Board as a Land Use of Potential Concern

We would like to draw your attention to a recent document that provides guidance for land use planning in situations where industrial and residential uses may be sited in close proximity to each other. The California Air Resources Board (ARB) has released a document, dated April, 2005, titled ***Air Quality and Land Use Handbook: A Community Health Perspective***. It is available on the ARB website at http://www.arb.ca.gov/ch/landuse.htm. The document provides guidance on minimum separation between sensitive uses and a few highly polluting land uses such as freeways, refineries, and chrome plating shops. It also contains a listing of some of the other land uses that potentially expose residents to toxic pollutants. This table is copied below; please note that it does include **cement manufacturing plants** as emitters of particulates and asbestos.

**Table 1-3 – Examples of Facility Types That Emit[1] Air Pollutants of Concern**

| Categories | Facility Type | Air Pollutants of Concern |
|---|---|---|
| Commercial | | |
| | Autobody Shops | Metals, Solvents |
| | Furniture Repair | Solvents[2], Methylene Chloride |
| | Film Processing Services | Solvents, Perchloroethylene |
| | Distribution Centers | Diesel Particulate Matter |
| | Printing Shops | Solvents |
| | Diesel Engines | Diesel Particulate Matter |
| Industrial | | |
| | Construction | Particulate Matter, Asbestos |
| | Manufacturers | Solvents, Metals |
| | Metal Platers, Welders, Metal Spray (flame spray) Operations | Hexavalent Chromium, Nickel, Metals |
| | Chemical Producers | Solvents, Metals |
| | Furniture Manufacturers | Solvents |
| | Shipbuilding and Repair | Hexavalent chromium and other metals, Solvents |
| | Rock Quarries and Cement Manufacturers | Particulate Matter, Asbestos |
| | Hazardous Waste Incinerators | Dioxin, Solvents, Metals |
| | Power Plants | Benzene, Formaldehyde, Particulate Matter |
| | Research and Development Facilities | Solvents, Metals, etc. |
| Public | | |
| | Landfills | Benzene, Vinyl Chloride, Diesel Particulate Matter |
| | Waste Water Treatment Plants | Hydrogen Sulfide |
| | Medical Waste Incinerators | Dioxin, Benzene, PAH, PCBs, 1,3-Butadiene |
| | Recycling, Garbage Transfer Stations | Diesel Particulate Matter |
| | Municipal Incinerators | Dioxin, Benzene, PAH, PCBs, 1,3-Butadiene |
| Transportation | | |
| | Truck Stops | Diesel Particulate Matter |
| Agricultural Operations | | |
| | Farming Operations | Diesel Particulate Matter, VOCs, NOx, PM10, CO, SOx, Pesticides |
| | Livestock and Dairy Operations | Ammonia, VOCs, PM10 |

ARB suggests that site-specific analysis is needed when facilities listed on Table 1-3 are sited in close proximity to sensitive land uses:

> "In addition to source specific recommendations, Table 1-3 includes a list of other industrial sources that could pose a significant health risk to nearby sensitive individuals depending on a number of factors. These factors include the amount of pollutant emitted and its toxicity, the distance to nearby individuals, and the type of emission controls in place. Since these types of facilities are subject to air permits from local air districts, facility specific information should be obtained where there are questions about siting a sensitive land use close to an industrial facility." P. 43.

2. Cement Plants Have Significant Toxic Air Emissions

San Diego County has several other concrete mix batch plants. Their estimated air emissions are reported to the San Diego County Air Pollution Control District (APCD), and this information may be accessed online by the public. The emissions from Superior Ready Mix of Escondido, as reported to APCD in 2002, are included as an attachment. The emissions inventory indicates that a large cement mix batch plant can emit over 40 tons of total particulate matter (TSP), and over 10 tons of respirable particulate matter (PM10) per year. A long list of toxic air contaminants is also emitted, including trace amounts of the highly potent carcinogen hexavalent chromium, neurotoxins lead and mercury, other heavy metals, and over 1,800 pounds per year of crystalline silica.

Crystalline silica has been on the California Prop. 65 list of carcinogens since October 1, 1988. ARB tracks emissions of crystalline silica as a Toxic Air Contaminant from facilities that emit this substance.

3. Truck Counts and Emissions Have Not Been Quantified

The Planning Commission Resolution No. 2006-P61 does not include any limitations on the number of truck trips that may be generated by the facility. Thus, the diesel emissions from these trucks cannot be quantified. Diesel particulate matter is also a toxic air contaminant in California. This is a particular concern if residential roads will be used as haul roads.

While the air permit process for this plant will involve assessment of the health impacts of the cement production process, and of dusts created by truck traffic, no assessment will be done of the diesel exhaust emissions from truck traffic and idling on site. According to APCD permit engineer Jorge Talavera (telephone conversation, 1/26/07), the truck

emissions are not quantified in the health risk assessment performed by the air district because this agency does not regulate mobile source emissions.

Oceanside decision makers, and the residents living near the site, need to know the full range of emissions and health impacts from the proposed cement plant, including the diesel emissions. This assessment will not occur unless a full CEQA analysis is done.

4. Air Quality Assessment Should Include Cumulative Impact Assessment

According to the County Department of Environmental Health, the adjacent property houses Palomar Transit Mix/Vulcan Materials, at 2925 Industry Street. This is a similar type of business that generates air emissions similar to the emissions that will be generated by Robertson. For this reason, it is important to assess the combined impact of the two emission sources together on the air quality of nearby residents and workers. CEQA analysis includes a requirement for cumulative impact analysis, which otherwise will be missing from the environmental review for this plant.

In sum, EHC believes that the Planning Commission should not have exempted the Robertson cement manufacturing plant from CEQA review, and that a full assessment of the environmental impacts from the plant is needed to ensure protection of the public's health.

Sincerely,

Joy Williams
Community Assistance/Research Director

# SAN DIEGO COUNTY SOURCE EMISSIONS SUMMARY

Note: Please allow time for the program to load after initially selecting the inventory year.

The 1998 - 2004 data presented does not properly report diesel particulate matter from engines. The District is currently in the process of making this correction

2002

SUPERIOR READY MIX - MISSION RD ESC

Source ID 128

1508 MISSION RD W

ESCONDIDO, CA 92029

Latitude N/A

Longitude N/A

Annual Emissions

| | | |
|---|---|---|
| Carbon Monoxide (CO) | 0.637 | tons/year |
| Nitrogen Oxides (NOx) | 2.955 | tons/year |
| Particulate Matter (PM10) | 10.435 | tons/year |
| Reactive Organic Gases (ROG) | 0.255 | tons/year |
| Sulfur Oxides (SOx) | 0.035 | tons/year |
| Total Organic Gases (TOG) | 0.288 | tons/year |
| Total Particulates (TSP) | 40.781 | tons/year |
| 1,3-Butadiene | 0.026 | lbs/year |
| Acetaldehyde | 1.027 | lbs/year |
| Acrolein | 0.062 | lbs/year |
| Aluminum | 302.391 | lbs/year |
| Arsenic | 0.493 | lbs/year |
| Barium | 2.297 | lbs/year |
| Benzene | 1.252 | lbs/year |
| Benzo[a]Anthracene | 0.002 | lbs/year |

# SAN DIEGO COUNTY SOURCE EMISSIONS SUMMARY

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2002

SUPERIOR READY MIX - MISSION RD ESC

Source ID: 128

1508 MISSION RD W

ESCONDIDO, CA 92029

Latitude: N/A

Longitude: N/A

Annual Emissions

| | |
|---|---|
| Benzo[a]Pyrene | 0.000 lbs/year |
| Benzo[b]Fluoranthene | 0.000 lbs/year |
| Benzo[k]Fluoranthene | 0.000 lbs/year |
| Beryllium | 0.021 lbs/year |
| Cadmium | 0.033 lbs/year |
| Chromium, Hexavalent | 0.018 lbs/year |
| Chromium, Non-Hexavalent | 0.668 lbs/year |
| Copper | 0.853 lbs/year |
| Dibenz[a,h]Anthracene | 0.000 lbs/year |
| Formaldehyde | 1.584 lbs/year |
| Indeno(1,2,3-cd)Pyrene | 0.000 lbs/year |
| Lead | 0.630 lbs/year |
| Manganese | 9.610 lbs/year |
| Mercury | 0.022 lbs/year |
| Naphthalene | 0.113 lbs/year |

# SAN DIEGO COUNTY SOURCE EMISSIONS SUMMARY

**Note: Please allow time for the program to load after initially selecting the inventory year.**

The 1998 - 2004 data presented does not properly report diesel particulate matter from engines. The District is currently in the process of making this correction

2002

SUPERIOR READY MIX - MISSION RD ESC

Source ID: 128

1508 MISSION RD W

ESCONDIDO, CA 92029

| Latitude | Longitude |
|---|---|
| N/A | N/A |

Annual Emissions

| | | |
|---|---|---|
| Dibenz[a,h]Anthracene | 0.000 | lbs/year |
| Formaldehyde | 1.584 | lbs/year |
| Indeno(1,2,3-cd)Pyrene | 0.000 | lbs/year |
| Lead | 0.630 | lbs/year |
| Manganese | 9.610 | lbs/year |
| Mercury | 0.022 | lbs/year |
| Naphthalene | 0.113 | lbs/year |
| Nickel | 0.421 | lbs/year |
| PAH, Unspecified | 0.103 | lbs/year |
| Propylene | 3.462 | lbs/year |
| Selenium | 0.117 | lbs/year |
| Silica, Crystalline | 1,820.030 | lbs/year |
| Toluene | 0.548 | lbs/year |
| Xylenes | 0.382 | lbs/year |
| Zinc | 2.450 | lbs/year |

## Amy Volzke

**From:** Connie Medicis [ciejo@cox.net]
**Sent:** Monday, October 15, 2007 12:41 PM
**To:** Amy Volzke
**Subject:** Robertson'sOceanside Ready Mix Concrete

I cannot figure out what the Mitigated Negative Declaration is all about, however, I do not want to see this plant expanded in anyway if it is already in operation. What is currently is, is enough. If it is not in operation at this time, I do not want it to be put on industry st area. There is plenty of area for this type of operation in the San Luis Rey valley along the river/creek in the industrial area and beyond. I drive to Fallbrook all of the time and there is plenty of room out there away from homes and congested areas.

Connie Medicis and Leonard Ralston
170 Libby St
Oceanside, Ca 92054

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## Amy Volzke

**From:** diane nygaard [dandd2@peoplepc.com]
**Sent:** Saturday, October 13, 2007 10:16 PM
**To:** Amy Volzke
**Cc:** Tamara Spear; Marci Koski; Michael Porter; Mary Clarke; Dave Grubb
**Subject:** Comment Letter on Robertson Batch Plant MND
**Attachments:** Robertson batch plant-mnd comment letter oct 07 (2).doc

Ms.Volzke

Attached is our comment letter on the MND for the proposed Robertson Batch Plant.
We look forward to working with you to address the remaining issues of concern with this project.

Diane Nygaard
MSCP/MHCP Task Force
San Diego Chapter, Sierra Club

October 14, 2007

Amy Volzke, Principal Planner
City of Oceanside
300 N Coast Highway
Oceanside CA 92054

Subject : MND - Robertson Concrete Batch Plant
2457 Industry Street Oceanside CA

Dear Ms. Volzke :

The San Diego Chapter of the Sierra Club is concerned about development projects that impact sensitive natural resources. The proposed Robertson Batch Plant will have direct and indirect impacts on the environment. These impacts have not been completely identified and sufficient mitigation has not been proposed. We appreciate that the city did require further environmental review for this project than what was originally proposed, and that the project developer has made some changes to reduce impacts. However, further action is still needed to protect the Loma Alta watershed and nearby habitat from the effects of this project.

The following are our specific comments on the draft MND for this project:

**Water Quality Issues**

( ) The description of site design BMP's states " This will allow some bio-filtering of the run-off and reduce site runoff by increasing pervious areas." This is not a correct statement. The proposed project will result in a significant increase in impervious surfaces- to 42% of the site.

( ) Several conditions which could have mitigated the impacts from storm water run-off were identified by the city's Storm Water staff. However, these conditions were not incorporated as mitigation measures. Please explain why staff recommendations were ignored.

( ) Silo storage will be excavated 24 feet below street grade. This will be substantially below the Loma Alta streambed and can and likely will alter the groundwater and surface water flows as well as the streambed itself. This could alter the flow and velocity of water, effecting downstream habitat, residents and businesses. Please explain why no impacts were identified for placing this excavation within the water table.

( ) There is a 12,000 gallon fuel tank on site. Any spill or explosion could be catastrophic and might permanently damage this section of the watershed. Specific conditions/mitigation measures related to fuel storage and emergency response should be included. This could be part of site O & M plan.

( ) Concrete dust generated by this project can be as caustic as lye, and is quite alkaline. This could have serious impacts unless mitigated- and this again has not been adequately addressed.

**Biological Resources**

( ) The biological resource survey was only conducted on a single day. This is not sufficient considering the presence of wetlands on site and the highly sensitive southern willow scrub riparian habitat. Further biological surveys should be done to assure no sensitive species on site- particularly considering the report of illegal habitat impacts from the recent railroad construction.

( ) It sounds like a significant part of the reported habitat degradation on site was from unpermitted impacts from construction of the light rail line. Please provide further explanation of such unpermitted impacts. If these are known to have occurred then mitigation for these impacts must first be addressed before determining impacts and mitigation for the current project. It would appear that the original boundary and quality of the southern willow scrub has been impacted.

( ) The Biol survey stated that no wetland delineation was done because no impacts to the creek were proposed. In the absence of a wetland delineation it is not possible to determine the appropriate wetland buffer boundary or to assure that the project has not impacted the buffer. Please conduct a proper wetland delineation in order to verify the boundary for both the wetlands and the required wetland buffer.

( ) The storm water retention basin is located immediately adjacent to sensitive habitat and wildlife using the habitat. Please discuss any potential indirect impacts on wildlife associated with the basin.

( ) While the project site itself is highly degraded, it is strategically located to have significant indirect impacts on the riparian corridor of Loma Alta creek. The proposed 100' buffer can mitigate for some of these potential impacts, but not all. Specific MM need to be added. This should include project lighting to the standards of the MHCP and trash /rodent control. It is not sufficient to store trash in an enclosure in covered bins. Bins must be designed to restrict access by rodents. Site O & M plan also needs to provide that bins remain closed at all times except when loading/unloading and there needs to be regular provision for trash disposal and site inspection/clean-up of trash.

( ) Providing for the required minimum 100' buffer in initial project design does not assure that this will be in place permanently. A specific project condition is needed to require that this buffer area is permanently protected.

( ) Since it is within the Wildlife Corridor Planning Zone (WCPZ) of the Oceanside draft MHCP subarea plan, the anticipated increase of over 400 truck trips per day at a minimum could result in substantial roadkill of terrestrial species, and disruption of nesting behavior of avian species. All indirect impacts on regional wildlife movements require mitigation as well as provisions to protect from increased roadkill from the increased truck trips on what was a low

volume traffic road segment. . This should be identified as a potential impact unless mitigated. Mitigation could include speed restriction on the road, and signs warning about potential wildlife crossing.

**Air Quality**

( ) Since much of the proposed plant technology that is supposed to protect air quality is untested, there could be significant air quality impacts unless mitigation is added. It is well known that silica and similar particulates cause permanent lung damage such as silicosis, lung cancer and asthma. This proposed plant is surrounded by hundreds of businesses, thousands of homes and is adjacent to sensitive riparian habitat. For the project proponent to claim their plant will be completely contained and not cause a problem is not sufficient to assure that such impacts are fully evaluated and addressed. The recent Hanson batch plant on N. River Road included conditions for base line air quality testing, regular monitoring and public access to such records. At a minimum, such conditions should be required with this plant.

( ) The nearby riparian corridor should be considered a sensitive receptor. Air quality analyses are essential to determine that the air quality impacts from both the plant, and the trucks serving it, are at an acceptable level.

**Transportation**

( ) Where is the proposed off-site parking area for the 10 sand/aggregate trucks and 4 cement trucks? Such off site parking could cause indirect impacts that would need to be assessed as part of the project.

**Conclusions**

Loma Alta is one of the most compromised watersheds in north San Diego County. The city and regional taxpayers have invested millions of taxpayer dollars into efforts to improve this area- the Loma Alta Watershed Plan, Myers acquisition and restoration, treatment plant upgrades, and the Garrison Creek detention basin. Please do not throw away this investment by allowing this project to proceed without adequate analysis of the impacts, and mitigation measures that address all of the adverse impacts that will result from this project.

Sincerely

Diane Nygaard, Asst Coordinator
MSCP/MHCP Task Force
Sierra Club, San Diego Chapter

Cc: Marci Koski USFWS, Michael Porter RWQCB, Tamara Spear DFG

## Amy Volzke

**From:** Richard Horner [rrhorner@msn.com]

**Sent:** Friday, October 12, 2007 2:53 PM

**To:** Jerry Hittleman

**Cc:** Amy Volzke; BNeill@waterboards.ca.gov; CClemente@waterboards.ca.gov; BMorris@waterboards.ca.gov; BPosthumus@waterboards.ca.gov; tspear@dfg.ca.gov; Marci_Koski@fws.gov; Barbara Riegel Wayne

**Subject:** D-7-07, C-12-07, Robertson's Oceanside Ready Mix Concrete

**Attachments:** Oceanside concrete batch plant.doc

Mr. Hittleman:

I was requested by one of your citizens to review the Draft Mitigated Negative Declaration for the Robertson's Oceanside Concrete Facility and related documents and to submit my opinions to you. Please see the attached letter. Thank you for your consideration.

Richard Horner

**RICHARD R. HORNER, PH.D.**

230 NW 55TH STREET
SEATTLE, WASHINGTON 98107

TELEPHONE: (206) 782-7400
E-MAIL: rrhorner@msn.com

October 12, 2007

Mr. Jerry Hittleman
City Planner
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

(via U.S. Postal Service and electronic mail)

**Re: D-7-07, C-12-07, Robertson's Oceanside Ready Mix Concrete**

Dear Mr. Hittleman:

I was requested to review the Storm Water Mitigation Plan for Robertson's Oceanside Concrete Batch Plant (Lyle Engineering, Inc., September 17, 2007, "the Storm Water Plan"), the Revised Hydrology Study (Mike Orozco, September 17, 2007), and the Draft Mitigated Negative Declaration for the Robertson's Oceanside Concrete Facility ("the Draft MND"). As my review proceeded I acquired some additional relevant documents that I cite in this letter. After presenting my qualifications for conducting these reviews, I will provide my comments on the two documents.

BACKGROUND AND EXPERIENCE

In evaluating the Robertson reports I applied the experience of my 30 years of work in the urban stormwater management field and 11 additional years of engineering practice. During this period I have performed research, taught, and offered consulting services on all aspects of the subject, including investigating the sources of pollutants and other causes of aquatic ecological damage, impacts on organisms in waters receiving urban stormwater drainage, and the full range of methods of avoiding or reducing these impacts.

I received a Ph.D. in Civil and Environmental Engineering from the University of Washington in 1978, following two Mechanical Engineering degrees from the University of Pennsylvania. Although my degrees are all in engineering, I have had substantial course work and practical experience in aquatic biology and chemistry. For 12 years beginning in 1981 I was a full-time research professor in the University of Washington's Department of Civil and Environmental Engineering. I now serve half time in that position and have adjunct appointments in two additional departments (Landscape Architecture and the College of Forest Resources' Center for Urban Horticulture). While my research and teaching continue at a somewhat reduced level, I spend the remainder of my time in private consulting through a sole proprietorship. My full credentials are available upon request.

I have conducted numerous research investigations and consulting projects together involving all aspects of stormwater management. Serving as a principal or co-principal investigator on more than 40 research studies, my work has produced three books, approximately 30 papers in the peer-reviewed literature, and over 20 reviewed papers in conference proceedings. I have also authored or co-authored more than 75 scientific or technical reports. In addition to graduate and undergraduate teaching, I have taught many continuing education short courses to professionals in practice. My consulting clients include federal, state, and local government agencies; citizens' environmental groups; and private firms that work for these entities, primarily on the West Coast of the United States and Canada but in some instances elsewhere in the nation.

I have helped to develop stormwater management programs in Washington State, California, and British Columbia and studied such programs around the nation. I was one of four principal participants in a U.S. Environmental Protection Agency-sponsored assessment of 32 state, regional, and local programs spread among 14 states in arid, semi-arid, and humid areas of the West and Southwest, as well as the Midwest, Northeast, and Southeast. This evaluation led to the 1997 publication of "Institutional Aspects of Urban Runoff Management: A Guide for Program Development and Implementation" (subtitled "A Comprehensive Review of the Institutional Framework of Successful Urban Runoff Management Programs").

My background includes 14 years of work in Southern California, where I have been a federal court-appointed overseer of stormwater program development and implementation at the city and county level and for two Caltrans districts. I was directly involved in the process of developing the 13 volumes of Los Angeles County's Stormwater Program Implementation Manual, working under the terms of a settlement agreement in federal court as the plaintiffs' technical representative. My role was to provide quality-control review of multiple drafts of each volume and contribute to bringing the program and all of its elements to an adequate level. I have also evaluated the stormwater programs in San Diego, Orange, Riverside, San Bernardino, Ventura, Santa Barbara, San Luis Obispo, and Monterey Counties, as well as a regional program for the San Francisco Bay Area. At the recommendation of San Diego Baykeeper, I have been a consultant on stormwater issues to the City of San Diego, the San Diego Unified Port District, and the San Diego County Regional Airport Authority.

I am a member of the National Academy of Sciences-National Research Council (NAS-NRC) committee on Reducing Stormwater Discharge Contributions to Water Pollution. NAS-NRC committees bring together experts to address broad national issues and give unbiased advice to the federal government. The present panel is the first ever to be appointed on the subject of stormwater. Its broad goals are to understand better the links between stormwater discharges and impacts on water resources, to assess the state of the science of stormwater management, and to apply the findings to make policy recommendations to the U.S. Environmental Protection Agency relative to municipal, industrial, and construction stormwater permitting.

COMMENTS ON THE STORM WATER PLAN, REVISED HYDROLOGY STUDY, AND DRAFT MND

General Assessment

My criticism starts with my opinion that a flood plain is the wrong place for a concrete batch plant. A flood plain is an integral part of an aquatic ecosystem and should be restored to function as such. The permitting agencies should work with the Robertson firm to attempt to transfer the development rights to a more suitable site and then begin the restoration of the Loma Alta Creek riparian corridor.

The City of Oceanside's Loma Alta Creek Watershed Management Plan (2003) seems to agree with me regarding the nature of the site. That plan specifically states (Figure 5.2-3) that the immediate area next to the Robertson property, in Reach 3 of the creek, is a "pre-approved mitigation area," where projects should be located to "protect/enhance riparian and coastal sage scrub," "enhance/reclaim buffers", and "stabilize creek banks." The figure indicates that similar projects should be located just downstream from the Robertson site.

If the development goes ahead regardless of its suitability for the site, the Storm Water Plan and Revised Hydrology Study are lacking significant information that they should contain and are poorly conceived in areas they do cover. As such, they are inadequate to provide assurance that stormwater management measures anticipated for this major industrial development will protect Loma Alta Creek and the marine waters to which it drains, where water quality is already impaired in terms of bacteria and eutrophication (excessive nutrient inputs and consequent algal growth). A plan for construction-phase stormwater management is entirely missing, and there are serious faults in the plan for permanent stormwater management for the finished plant.

The Draft MND relies on the Storm Water Plan and Revised Hydrology Study. With the inadequacy of these documents, the Draft MND hence does not have a complete and proper basis to judge the project as presenting no impacts or less than significant impacts with regard to matters of hydrology and water quality. The Draft MND should be withdrawn and reassessment performed if and when the deficiencies of the source documents are improved in ways I outline below. I believe that the proposed project, as presently constituted, presents potentially significant impacts that must be mitigated.

Robertson's record elsewhere is not encouraging that the firm will operate in Oceanside to comply with its stormwater NPDES permit and protect water quality. Data were reported under terms of its permits for other plants in 1998-1999, 2000-2001, and 2002-2003. The majority of the measurements exceeded the permits' benchmark limits for nitrate + nitrite-nitrogen (a nutrient associated with eutrophication), pH (an indication of relative acidity or alkalinity), and total suspended solids (a measure of sediments). The respective benchmark exceedences for these three water quality measurements were 78, 70, and 51 percent.

Construction-Phase Stormwater Management

A critical omission in the Storm Water Plan is coverage of stormwater management during the construction phase. This omission is contrary to the Loma Alta Creek Watershed Management Plan, which calls for permit conditions for new construction to prevent sedimentation from that source (section 5.3.2). Construction will extensively disturb site soils and create a strong potential for erosion and sediment transport to the creek. Sediments cover the stream bed, where fish spawn and fish food sources (e.g., insects, algae) live; fill deeper pools, where fish rest, escape predators, and feed; reduce visibility for fish and light for underwater plants and algae; and abrade the soft tissues of fish. Sediments also transport other pollutants present in the soil or picked up in transport. Soils generally contain nutrients such as phosphorus and nitrogen that fertilize plants and algae and are transported along with eroded soil. Nutrient transport will contribute to the impaired, eutrophic condition of the downstream marine waters.

The potential negative effects of construction on water resources are by no means limited to sediments. Soils can be contaminated with pollutants left over from past activities or applied in connection with construction. These contaminants also move with sediments into water bodies. Past operations and waste disposal can leave metals, petroleum, industrial and commercial chemicals, etc., many of which are toxic to aquatic life. Since the Robertson site has long been industrial, the presence of legacy pollutants is likely. Pesticides are commonly used to eradicate unwanted organisms but can also harm aquatic life when they flow into water with eroded soil. Fertilizers are applied in landscaping and can add greatly to the eutrophication potential presented by nutrients in native soils. Construction materials, processes, vehicles and other motorized equipment, and waste products, if not managed well, can release numerous other contaminants, many of them metals and synthetic organics toxic to aquatic life.

The Robertson plant site is immediately adjacent to Loma Alta Creek and slopes toward it. Any sediments mobilized by erosion and pollutants released from the other sources described will have a direct and rapid path to the creek, and from there to the marine waters. It is thus especially important in this case to have a sound construction-phase stormwater management plan. The Storm Water Plan will be inadequate as long as it fails to address the manifold potential pollutants associated with construction and how they will be prevented from harming the aquatic environment.

Permanent Stormwater Management for the Finished Plant

The Storm Water Plan does not comply with the California Regional Water Quality Control Board, San Diego Region National Pollutant Discharge Elimination System (NPDES) stormwater permit adopted on January 24, 2007. As one of the major changes from the preceding permit, the new one requires maximizing low impact site design best management practices (BMPs). Among BMPs of this type that can control storm runoff water quantity and quality, the Robertson Storm Water Plan specifies only, "Maximum use of pervious landscape areas." The plan gives no indication of the amount of such landscaping and how it would be designed to contribute to stormwater management. Mere landscaping, without configuration and design as a bioretention or equivalent facility, has no predictable stormwater management

benefit. To comply with the permit the site will have to be reexamined to determine to what extent and how these BMPs can be used.

Another addition in the new permit is the requirement for a Hydromodification Management Plan, which is intended to prevent or reduce in-stream erosion and protect aquatic habitat. This provision is especially relevant to the Robertson site, with its stream-side location.

As it is currently formulated, the Storm Water Plan will not lead to treatment of all site runoff. Its major elements are placing the batch plant in a basin to contain runoff from that area up to an overflow point, building a detention pond at the point of discharge to the creek, and utilizing the vegetated stream buffer for biofiltration. The batch plant basin will serve for a distinct minority of the runoff production, roughly 1/4 acre of the 2.78 acres total. The plan sheet accompanying the June 2006 draft of the Storm Water Plan (but seemingly not a part of the September 17, 2007 submission) indicates that runoff from the entrance driveway and north and east of the batch plant will enter a drain inlet and be piped to the creek. This area of roughly 1/2 acre will receive no treatment and will be traversed by heavy truck traffic delivering materials and taking away products. The documents indicate that a parcel notched into the northwest corner of the property does not drain toward the detention pond. This parcel appears to approach 1/4 acre in size. The stream buffer makes up about 1/3 acre. Subtracting the areas of the batch plant basin, driveway vicinity, northwest notch, and buffer, the detention pond hence will be responsible for treating runoff from approximately 1.5 acre.

The basin surrounding the batch plant is a worthy idea, so long as it is cleaned out before sediments settling from stormwater or other pollutants can overflow. The plan does not have sufficient detail on maintenance to tell if this cleaning will be accomplished. It is not promising to read that equipment washing will occur in that area, an improper use for a stormwater BMP. Washing will introduce cleaning products that, depending on their formulation, could be toxic or otherwise deleterious to aquatic life, contribute nutrients that will aggravate eutrophication downstream, and create oxygen demand in the receiving what to the detriment of its dissolved oxygen. Washing will also deposit material cleaned off vehicles, and the pollutants it carries. Washing must occur where there is no exposure of stormwater to cleaning agents and material washed from equipment.

The outflow detention basin is not the best selection for this application, and its design violates some recommendations of the California Stormwater BMP Handbook for New Development and Redevelopment ("the Handbook"). The specific BMP type represented by the basin is an extended-detention (ED) pond, meaning a chamber that holds water for treatment for some hours after a storm but drains dry in no more than 3 days. The Handbook calls for ED ponds to be used where there is a minimum drainage area of 5 acres, because of the very small discharge orifice needed to restrict outflow with smaller sites and the associated tendency to clog.

If the orifice is made larger than calculated according to the Handbook, to avoid clogging or for whatever reason, it will release water too rapidly for effective treatment. The Robertson plan, at least according to the earlier version of the plan, is to drain the basin completely in 24 hours, which will greatly limit treatment performance. For maximum effectiveness, an ED pond should

take the full 3 days to drain, a period that does not risk mosquito breeding. Ponds tested in the Caltrans BMP Retrofit Pilot Study observed this rule and were relatively effective. The Handbook calls for a minimum of 48 hours for full drainage, with no more than half of the volume discharging in the first 24 hours. The planned pond hence will interdict much less pollutant transport than it should.

The Storm Water Plan declares that the vegetated stream buffer is part of the treatment control system. A buffer is intended to separate the stream from impact sources, and it is improper to use a buffer for the treatment of waste.

Even if the buffer will not be used as part of the treatment system, it will be disrupted by construction of storm drains. A letter from LSA Associates, Inc. to Robertson on December 18, 2006 states that the construction will affect two corridors each 25 ft wide and 50 ft long. This disruption will be inimical to the buffer's purpose and functions and contrary to stated policies in the Loma Alta Creek Watershed Management Plan.

Miscellaneous Criticisms

The Revised Hydrology Study is predicated on the "Rational Method" for hydrologic analysis. The Rational Method amounts to an equation with which a dependent variable (flow) is computed as the product of three independent variables that are supposed to represent all of the physical processes that determine how much rainfall is converted to surface runoff and at what peak rate it flows. It has been used in essentially the same form since its introduction in 1851, which is equivalent to communicating with Morse's telegraph (invented in 1844) in the internet age. The extremely simplistic Rational Method is severely limited in representing actual hydrologic events and magnitudes for a multitude of reasons and has no standing whatsoever among well informed hydrology professionals. Jurisdictions like the state of Washington and many of its municipalities, some years ago, and Contra Costa County, CA, more recently, replaced this procedure and other limited options with computerized, continuous simulation hydrologic models. I recognize that the method remains the approved procedure in the San Diego Hydrology Manual, despite its glaring inadequacies; but the engineering professionals in the region should take the lead in introducing better techniques. Simultaneously, they should demand a crash program by the municipal jurisdictions covered under the NPDES permit to develop a proper model based on regional rainfall and landscape data.

The analysis of the Robertson site proceeded on the assumption that the soils there are in Hydrologic Soil Group B in the Natural Resources Conservation Service's system. Group A soils infiltrate water most readily and percolate it the fastest, while Group D soils are the most restrictive to water penetration. The Geotechnical Soils Evaluation (Academy Consulting Corporation, June 2006) characterized the soils as fill consisting predominantly of sandy clay with gravel overlying sandy clay and silty clay sand. These soils may or may not readily admit and pass water, depending on how much gravel is present. It is irresponsible to perform stormwater analyses without making a positive determination of such key factors as soils and their properties determining storm runoff production.

Section 3.2 of the Storm Water Plan lists only general categories of pollutants and not the specific pollutants themselves. The list is also missing one key pollutant that will be an issue at the Robertson site, cement dust. Cement dust adds to the total suspended solids burden in runoff, as an alkaline material can raise pH beyond water quality criteria, and contains metals as well. Prominent metals include iron and aluminum, unlikely to be toxic in water unless they are released in large amounts; but chromium is also a common constituent of cement dust and is toxic.

SUMMARY AND CONCLUSIONS

A strong effort should be made to displace the concrete batch plant to a suitable site outside of a flood plain. The stream-side site should then be restored as a natural stream riparian area. If this effort does not succeed and the development is allowed to continue, the Storm Water Plan and Revised Hydrology Study should be completely reworked in light of the requirements of the January 24, 2007 NPDES permit and the criticisms in this letter. It is essential that the documents lay out a complete construction-phase stormwater management plan. They must also comprehensively specify management for all storm runoff produced on the site consistent with the permit. That management plan, at a minimum, must maximize use of low impact site design techniques, control the quantity and quality of any runoff not manageable by low impact methods in other ways, and include a Hydromodification Management Plan.

In the meantime, the Draft MND should be withdrawn. If and when all of the criticisms in this letter are addressed in a revised Storm Water Plan and further Revised Hydrology Study, the potential hydrology and water quality impacts and their mitigation should then be reassessed and a new declaration issued for public comment.

I would be pleased to discuss my comments with you and invite you to contact me if you wish to do so.

Sincerely,

Richard R. Horner

Cc (via electronic mail): Chiara Clemente, Regional Water Quality Control Board
Marci Koski, U.S. Fish and Wildlife Service
Bob Morris, Regional Water Quality Control Board
Ben Neill, Regional Water Quality Control Board
Bruce Posthumus, Regional Water Quality Control Board
Tamara Spear, Department of Fish and Game
Amy Volzke, City of Oceanside
Barbara Riegel Wayne, City of Oceanside

## Amy Volzke

**From:** Michele Fahley [mfahley@calindian.org]
**Sent:** Tuesday, October 09, 2007 12:55 PM
**To:** Amy Volzke
**Subject:** Robertson's Ready Mix MND
**Importance:** High

Amy,

As you may recall, my office represents the San Luis Rey Band of Mission Indians. I recently received a copy of the Notice of Intent to Adopt a MND in this project, however I only have the notice (which notes there are cultural resource issues) and not the full document. Can you please forward me a copy of the MND, either via email or to the fax below as soon as possible?

Thank you,

Michele Fahley
Staff Attorney
California Indian Legal Services
609 S. Escondido Blvd.
Escondido, CA 92025
(760) 746-8941, ext. 121
Fax (760) 746-1815
Email: mfahley@calindian.org

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## Amy Volzke

**From:** Peter Weiss
**Sent:** Tuesday, October 09, 2007 3:07 PM
**To:** Jerry Hittleman; Amy Volzke
**Subject:** FW: review Olson Company packet

fyi

---

**From:** Kratcoski, Rick [mailto:rkratcoski@palomar.edu]
**Sent:** Tuesday, October 09, 2007 2:28 PM
**To:** Kratcoski, Rick
**Cc:** Peter Weiss; Rocky Chavez; Jerry Kern; Jack Feller; Esther Sanchez; Jim Wood
**Subject:** RE: review Olson Company packet

I understand that Robertson's concrete is doing a presentation for LANA. The traffic congestion on Oceanside Blvd. will also affect the LAMP neighborhoods and our group has not seen a single presentation. Our group would like an opportunity to have a presentation by Robertsons also before it goes to the planning commission. Also I believe there has never been a presentation of the Robertson Project to the Fire Mountain residents who will also be impacted by traffic concerns. You have to remember there are other groups who need information and not just LANA.

---

**From:** Kratcoski, Rick
**Sent:** Tuesday, October 02, 2007 4:53 PM
**To:** 'Amy Volzke'
**Subject:** review Olson Company packet

Amy I have reviewed the Olson Company packet. There are a few things I disagree with as far as the rating they assigned.

Noise 14.11 both A&B I believe are underrated. With construction equipment noise graders, backup warning alarms on construction equipment, jackhammers etc there will be potentially significant impact unless mitigated especially for homes on Cadillac Circle and across the street on Maxson. Our LAMP group has not seen any Landscape specifications, or specifics of outside architecture. Olson has met with our group several times and we are much happier with the overall project. Is Olson just entering the revised paperwork or is this scheduled to go to Planning. As mentioned before, we do not have complete set of plans like landscape , walls that will be seen by our community.

## Amy Volzke

**From:** d-mcginty [d-mcginty@cox.net]

**Sent:** Monday, October 08, 2007 12:01 PM

**To:** Amy Volzke

**Subject:** Robertson's Batch Plant

I understand that some of the reports contained in the first attempt to gain the right to build this plant were missing from the submissions on this attempt for approval to build the plant.
I strongly feel the hydrology study of the building of the underground storage is incorrect. The water table is very close to the surface of the land. When the heavy rains come, the likelihood of massive flooding of the property and the entire corridor is already written in historical flooding of the entire corridor of Industry Street I personally, have witnessed, while working at a manufacturing plant, massive flooding occur. The history of the Loma Alta Creek breaching it's banks due to silt and debris is most of the problem. The company I was working in was under 4" of water.
Stands to reason if these storage bins are underground, the water table will find its way into the storage area. There is a documented history of flooding where Robertson's is trying to build this plant. Many of the existing merchants have witnessed and dealt with their business's being flooded.
The issue of tearing up our roads in the corridor is not acceptable either. There is no agreement in place for them to repair what they damage anymore than there is for Vulcan Batch Plant and Waste Management operations with their trucks on the roads. The citizens of Oceanside will foot these bills and this is not equitable.
I have yet to see where, under State Board of Equalization rules that Robertson's will pay a dime of Sales Tax to the City of Oceanside. If the City anticipates Sales Tax revenue and how, should be part off these comments records. The property tax is already being paid by the property owner who is leasing to Robertson's if they are approved. Any property tax revenue increase anticipated should also be part of this record.
The employees of Robertson's do not live in Oceanside and at last count I believe there were going to be 17. This is nothing to shout about.
We have fought for and caused many of the Business's in this Industry Street corridor to clean up their operations. Storm drains, streets and the Loma Alta Creek and air quality were all being contaminated before we started cleanup efforts. The establishment of another potentially contaminating Industry in the corridor is not a welcome sight to see. They will surely have to e monitored on a daily basis.

Please accept these comments into the record in opposition to the building of the Robertson's Cement Batch Plant on Industry Street.

Donna McGinty
2405 Mesa Drive
Oceanside, CA 92054
760-754-9109
d-mcginty@cox.net

**Amy Volzke**

**From:** Greg Root [gregroot@cox.net]
**Sent:** Sunday, October 21, 2007 10:05 PM
**To:** Amy Volzke
**Cc:** City Council; ewburns@fjnlaw.com; Steve and Valerie Conley; James Felton; Bill Sanford; Greg DeBerry; Jane McVey; nadia550@sbcglobal.net
**Subject:** Stop Robertson's

Ladies and Gentlemen, Mayor and Council Et AL:

On behalf of the Loma Alta Neighborhood Association, I ask you to strongly consider the overwhelming sentiment of this community regarding Robertson's Redi-Mix. We have frequently remained mute regarding issues pertaining to our city.
L.A.N.A. consciously never came forward with a position regarding The Chargers for instance, because we felt that the issue was not going to move forward and there was no value in spending time or energy there. We have remained balanced and thoughtful on many other issues, choosing to "wait and see" instead. I say this to underscore the credibility and thoughtfulness of the Loma Alta Neighborhood Association and I want you to know it is with significant thought and input that I write these words.

At our last public LANA meeting I shared my vision for Industry Street and how it could soon become an economic engine not unlike Cedros Street in Solana Beach (See my presentation on channel 19's KOCT "Voice of Oceanside" presentation airing twice daily) where mixed use and retail will invite a new audience of shoppers, diners and browsers.

In this not too distant scenario, revenue generated on Industry Street would become a significant contributing economic factor in Oceanside Blvd. becoming a vital, welcoming gateway rather than the blighted corridor it currently is. Further, introducing a minimum of 481 cement trucks per day onto Oceanside Blvd. and surrounding streets is an egregious affront to our community and to the neighborhoods of Fire Mountain. South Oceanside and Downtown which will produce degradation to our streets and quality of life. Robertson's insulting findings that this will "not negatively impact" our environment is a sad commentary on their total lack of concern for this entire community and for the City of Oceanside.

Allowing Robertson's to move forward flies in the face of that vision and of the vision of The Oceanside Blvd. Task Force.

Worse, Robertson's Representative Bernie Rhinerson actually **lied** to our entire neighborhood last Tuesday night. He emphatically stated they had included the Crouch Street Sprinter Station in the official traffic study put forward in all applications and related documents.

When I publicly questioned his traffic engineer at that meeting, it immediately was clear that they had not. When I publicly called this to Mr. Rhinerson's attention, he meekly said " Oh, did we forget that...? Wow, I guess we mad a mistake". This heinous and transparent display makes me wonder how many other "mistakes" have been stated erroneously on their reports.

The Crouch Street Sprinter station *will* generate an enormous level of traffic each and every

day to that immediate vicinity. To not include the impact of that station is not a "mistake" but a ludicrous and a bold insult that will not be forgotten or ignored.
Simply stated, this was no mistake. It has been clear to me for some time that Robertson's is a deceptive and well funded group who are **desperately** trying to get their project passed before the "Interim Study Overlay District" is put in place.

The fact that Robertson's has come this far leaves me with the uneasy feeling that there are some in a position of power within our city who are, for all intents and purposes, "asleep" at the collective wheel or worse. I feel that those same individuals have lost sight of what's best for their own constituents and are blindly "green lighting" Robertson's simply because, "it's on Industry Street, it's industrial...it's approved!" How sad, uninsighful and uncaring. This is a pivotal time in Oceanside. Now is not the time for inattention or lack of vision.

Therefore, it appears the heavy mantle of responsibility falls on your shoulders and I trust you will do what's best. I hope you will do what's best and I *know* you will do what's best: sound the alarm! Wake those who care and **stop** these lying, cheating individuals from moving forward.

Preserve Industry Street for what it can become, a beautiful, thriving engine of commerce, retail and mixed use residential. To allow Robertson's to move forward is to take a major step in the wrong direction. Industry Street was a place for heavy industrial in 1959. Times have changed and Industry Street is no longer a place that welcomes heavy industrial. Please consider our plea to STOP ROBERTSON'S.

Thanks in advance,

Greg

Greg Root
Vice President/Founder
Loma Alta Neighborhood Association
Member, Oceanside Blvd Visioning Task Force
Member, Oceanside Historic Preservation Advisory Committee
404 Hoover Street, Oceanside, CA 92054
760 420 3590
www.lomaalta.org
gregroot@cox.net
L.A.N.A., Committed to the past, present and future of the Loma Alta Community

**Amy Volzke**

**From:** Chuck Lowery [chuck@pacificbakery.com]
**Sent:** Monday, October 22, 2007 3:03 PM
**To:** Amy Volzke
**Subject:** Robertson's proposal

Hello. I heard this is the FINAL day for public comment. How inconsiderate of the needs of Oceanside residents.

My name is Chuck Lowery, and I'm sending this to you as a concerned citizen and member of the following organizations, who I am not necessarily representing:

- Oceanside Boulevard Vision Task Force (Member)
- Oceanside Chamber of Commerce (Member)
- Oceanside Coastal Neighborhood Association (OCNA Board Member)
- Pacific Bakery Inc (President/Owner)
- Loma Alta Mission Park Association (Business Member)
- Guerrero Azteca Peace Project (Board Member)
- North County Coalition for Peace & Justice (Director)
- Gandhi Nonviolence Award 2006 (Business Award)

As a native of Oceanside and multiple property owner with a significant investment of time and money in our city, I've seen us go through the "good and the bad" as time passes. Right now, we are in one of those dark times as Oceanside offers to rubber stamp every project for every developer, no matter the size or impact on the community.

I am willing to ignore the fact that City Staff is doing its best to promote new projects at all costs (rather than consider needs of residents and other businesses).

I am willing to ignore the fact that certain City Council members believe that "any business is GOOD business, no matter how dirty or negative".

I am willing to ignore the fact that most residents and business operators don't care about anything but themselves and their bank balances.

However, I am NOT willing to ignore the Robertson's Concrete plant proposed for MY work neighborhood. I have spent plenty of time researching the company, their history and their glossy and bogus concept for our City. As I said above, it takes nothing more than a written proposal and a pretty PowerPoint presentation to win staff and council approval, and they've surely done all that.

In addition, it takes anyone 3 minutes on the internet to discover that court rulings protect Robertson's from giving any sales tax to the local municipality. (No matter how much they misrepresent that fact, it's the law of the State of California. I suggest you check that out.)

Robertson's will negatively impact traffic, personal safety, noise levels, street surfaces, air pollution, water quality, animal life, and THAT"S JUST THEIR TRUCKS!

What about looking at the impact of their actual plant? With extended operating hours, over 400 pounding entry/exit trips per day, location in a watershed area, location in a proven flood zone area (yes, I know: I operate on Garrison), massive super-industrial buildings, AND the lack of a tax base, there's absolutely NO REASON to invite them into our community.

So the choice is yours. Do we welcome yet another parasitic business to our city? We've already got plenty of "old school" industrial operations here in Oceanside and we do not need any more. This will NOT provide desirable jobs. This will NOT provide money for infrastructure. This will NOT benefit the neighborhood.

So, how does it benefit the City of Oceanside?

It does not. That's a fact, not an opinion. Every benefit Robertson's has offered has proven to be nothing more than dust on the money pit they hope to mine. It's time to think of the future with a visionary approach rather than seeing it as we did in the Fifties. Those days are gone and we must realize that.

One more Wal-Mart in Oceanside will not benefit the residents. One more concrete plant will not benefit the residents.

I would appreciate a reply but imagine that you'll be too busy researching the facts I've presented above to reply to me personally.

Either way, I appreciate your time.

Chuck Lowery
Pacific Bakery Inc.
Oceanside CA

## Amy Volzke

**From:** marty b [martybenson@mac.com]
**Sent:** Monday, October 22, 2007 2:33 PM
**To:** Amy Volzke
**Subject:** Robertsons MND Comment

October 22, 2007

| | |
|---|---|
| Oceanside City Council | Planning Department |
| council@ci.oceanside.ca.us | planningstaff@ci.oceanside.ca.us |
| 300 N Coast Highway | 300 N Coast Highway |
| Oceanside CA 92054 | Oceanside CA 92054 |

Re: Surfrider Foundation Concerns - Robertsons Concrete Batch Plant

(D-8-05) and (C-17-05)

Honorable Mayor Wood, Council Members, and Planning Department

Surfrider Foundation is a grassroots, non-profit, environmental organization that works to protect our oceans, waves, an beaches. Founded in 1984, Surfrider Foundation's most important coastal environmental work is carried out by local ch along the East, West, Gulf, Puerto Rican, and Hawaiian coasts. Specifically, the San Diego County Chapter has been advocating for clean water and safe beaches with unimpaired access for approximately 15 years.

On behalf of the over 4000 local members of the San Diego Chapter, we wish to express concerns regarding the propose Roberstons Ready Mix concrete batch plant to be located in close proximity to Loma Alta Creek. As you know, the Cit Loma Alta Creek Watershed Management Plan with the stated purpose of enhancing, protecting and preserving the wat Concrete manufacturing plants typically have a high potential to impact water quality and the presence of such a facility adjacent to the creek would therefore seem to make it difficult to achieve these goals.

As part of the Watershed Management Plan and in recognition of the 303(d) impaired waterbody status of the lower por the creek, it is the City's stated strategy to scrutinize the entire watershed for any negative impacts or discharges that co affect water quality. This is crucial as Buccaneer Beach at the mouth of the creek was closed and/or deemed unsafe for over 100 days in previous years.

The proposed location for the Robertsons batch plant lies on the Loma Alta Creek which feeds directly into the ocean. ˊ is also in the 100 year floodplain. These characteristics make this property a great candidate for restoration and mitigati would like to see consideration of alternative sites for the plant and we encourage the use of this site as mitigation becau its proximity to the Loma Alta Creek watershed.

With regard to the Robertsons plant, we see specific issues related to potential water quality impacts, including a demon of adequate Best Management Practices (BMPs) and adequately-sized detention facilities to contain and/or treat contam stormwater runoff, diesel fuel and other hazardous materials used on site. Such issues need to be adequately addressed.

Further, the Mitigated Negative Declaration seems inadequate in its disposition of the environmental impacts of this pro development. The MND specifically fails to address the Geotechnical Soils Evaluation performed by Academy Consult which found that the site for the plant has a "high potential for liquefaction." The Geotechnical report enumerates rigid guidelines for the structural development on the site as well as continual consultation from the Geotechnical consultant. believe that every environmental precaution should be addressed before this project is allowed to go forward at such a s site.

In conclusion, we believe that a concrete plant at this site has a high potential to further impair the water quality in the L Alta Watershed and subsequently at the beach. Therefore, we request that Oceanside re-evaluate the project and require Environmental Impact Report before approving this project.

Sincerely,

Marty Benson

Policy Committee

Surfrider Foundation - San Diego Chapter

Rigl here to

## Amy Volzke

**From:** Cycadsteve@aol.com
**Sent:** Monday, October 22, 2007 12:19 PM
**To:** Amy Volzke
**Cc:** City Council
**Subject:** Robertson's Concrete Plant
**Attachments:** robertsons.doc

Dear Amy,
Please find enclosed, my letter to the Planning Department within the allotted time frame of the public review period. I would appreciate you making this part of the record.
Kindly confirm receipt.
Respectfully,
Steve Leach
102 S. Barnwell St.
Oceanside, Ca. 92054
(760) 720-4461

See what's new at AOL.com and Make AOL Your Homepage.

October 22, 2007

Amy Volzke
Principal Planner
Planning Department, City of Oceanside
300 N. Coast Hwy.
Oceanside, California 92054

RE: D-7-07, C-12-07 Robertson's Oceanside Ready-Mix Concrete

Ms. Volzke,

Kindly accept this correspondence of the above referenced project during the public review period which ends October 22, 2007.
Having lived in the Loma Alta neighborhood for almost twenty years and using Oceanside Boulevard to get to and from my job everyday, I felt the need to express my extreme dismay over the possibility that The City is even considering a project such as this. I have read the traffic study twice, as well as the Notice of Intent to Adopt a Mitigated Negative Declaration and feel neither document fully address the scope of what a project like this would do to traffic on Oceanside Blvd.
I have listened intently to two presentations by Robertson's representatives and completely believe they have deceived the public with their slanted views of the traffic impact. The addition of 802 average daily trips feeding onto Oceanside Boulevard and El Camino Real make this project an absolute detriment to the area, both from a safety point of view as well as a quality of life issue for nearby residents.
I strongly feel that both the traffic study and the Negative Declaration are seriously flawed as they purposely omitted several nearby huge contributors such as Waste Management, Superior Ready-Mix, and Palomar/Vulcan Ready Mix to the existing traffic problem that has resulted in the area being classified under the Highway Capacity Manual (HCM) as having a Level of Service of "D". In addition, this study did not adequately address the huge amount of truck traffic generated by businesses east of El Camino Real, including El Corazon and the new businesses east of College Boulevard. These were merely brought up in the Cumulative Projects section in the traffic study and their routes were incorrectly reported as not using Oceanside Blvd. very much. I also find it insulting that that the traffic study "chose" to utilize only 15 approved and pending projects that consisted mostly of housing projects rather than actual businesses with truck traffic. The study would have one believing that most companies east of El Camino utilize College Boulevard or other North-South routes to get to the 5 freeway. This is absolutely untrue as most use Oceanside Blvd. to get to the 5.
One of the "improvements" that Robertson's was going to do is lengthen the left-hand turn pocket from northbound El Camino Real onto Industry to accommodate their 40' trucks. This is another horrible idea that will lead to a very dangerous situation if two or more trucks happen to pull in the turn pocket at the same time. The risk that a truck will be waiting to turn left while either sitting on the railroad tracks or into the number one lane makes for very dangerous situation.

With Oceanside completing many large projects nearby in the past year, why is it acceptable that over half of the traffic volume figures are from over a year ago, and in fact the study on the left turn pocket off of El Camino Real was done over two years ago? I also see no mention whatsoever of the intersection at Industry and Oceanside Boulevard. Does this mean that Robertson's never plans to turn into or out of this street? The traffic study goes on to say that 77% of the trucks leaving Robertson's will utilize Foussat Road to access Oceanside Boulevard. Coupled with the hundreds of trucks that Waste Management has on the same street, as well as AT & T, Mission Laundry, Palomar/Vulcan Ready-Mix, Beach Cities Glass, Tonka Tow and many others, one has to believe that both studies are greatly flawed. Why else would the promoters of this project continually use statements like "Level of Service D or better" or "if the project manufactures less than 1200 cubic yards of concrete, we will have less traffic", or the best being "because of the Highway Capacity Manual (HCM) we have to use the figure of 802 average daily trips, but in reality it's only 418 because they view a 40' truck like two cars". The traffic study goes on to claim that "there would be no direct impacts, however road improvements to Industry are proposed because the project is adding heavy vehicles with older designs". This is an outright admission that Industry is already at a dangerous level of poor design and in need of improvements, however no mention of who might be financially responsible for this. Robertson's also claims that after one year of operation, they would be "willing to do a traffic study to alleviate a cumulative condition" which in my opinion, is an admission of a problem from the onset.

As mentioned, I use Oceanside Blvd. everyday, once at 7:30 AM and once around 5 PM, accessing from South Barnwell Street five days a week without the benefit of a traffic signal. My average wait time to go west at S. Barnwell and Oceanside Blvd. is 24 seconds. Most of the access from the Loma Alta neighborhood to Oceanside Blvd. is via unsignalized intersections, so with the addition of over 800 ADT's, it may become impossible to pull out of my street in the future. I would also like to see included in any study, a report from the Fire Station located at the corner of El Camino Real and Oceanside Blvd., describing the daily traffic accidents every morning in this "level D or better" area, as I hear sirens virtually every morning.

Additionally, your Negative Declaration under 14.9-B describes a "less than significant impact" with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project. The City has instituted a public input committee to come up with a plan to beautify the Oceanside Blvd. corridor towards the new Ocean Ranch/El Corazon area. Why would your Declaration not think this "potentially significant"? Under 14.11, why would the noise of truck traffic between the hours of 6 PM and 9 PM, when Robertson's aggregate trucks would be refilling the plant not be "potentially significant"?

I would sincerely hope your department will take a second look at this project and deny their request to build this plant in Oceanside. Your attention to this matter is greatly appreciated and I thank you for your time in reading this.

Respectfully,

Steve Leach
102 S. Barnwell St.
Oceanside, Ca. 92054

## Amy Volzke

**From:** Andy Mauro [akamauro@cox.net]

**Sent:** Monday, October 22, 2007 11:47 AM

**To:** Amy Volzke

**Cc:** Nadine Scott; Jerry Hittleman; Judi Wilson; Tom Troy; Elle Schubert; Annette Schneider; Doug Schanzenbach; Mary Jane Roberts; Mary Ellen Marquand; Bill Jones; Terry Hunefeld; Doug Dunn; Ros Dong; Joan Bockman; Joyce Anderson; Dan & CJ DiMento; J Dennis Huckabay; Steve Brad; Amy Volzke

**Subject:** Robertson Batch Plant MND comment letter

**Attachments:** Buena Vista Audubon Society.doc

Dear Ms. Volzke,
Please find attached Buena Vista Audubon Society's comment letter on the Robertson Batch Plant Draft Mitigated Negative Declaration.

Please feel free to call or e-mail me if you have any questions.

Thank you.

Andrew Mauro, Conservation Chair
Buena Vista Audubon Society
(760) 753-1266

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

October 22, 2007

Planning Department
Attn: Amy Volzke, Senior Planner
300 N. Coast Highway
Oceanside CA 92054

Email: avolzke@ci.oceanside.ca.us

Re: Mitigated Negative Declaration (MND)
**D-7-07, C-12-07, Robertson's Oceanside Ready Mix Concrete**

On behalf of the 1,200 members of the Buena Vista Audubon Society, I wish to record our organization's continuing concerns regarding the Robertson Concrete Batch plant proposed for 2457 Industry Street in Oceanside. It is our belief that the decision to issue a Mitigated Negative Declaration for this project ignores the probability of significant environmental impacts, both during construction and on-going throughout its years of future operations.

Our letter of 9/26/07 details our issues of concern, all of which remain unanswered and unmitigated by the applicant's submitted studies and plans. The biological survey found significant biological resources on and immediately adjacent to the site. Despite the mid-day timing of the brief survey, 15 different bird species were observed. The consultant characterized the riparian corridor as narrow and unproductive, however, at least three freshwater marsh and riparian bird species were present. Additional bird species observed during the survey gave evidence that birds and mammals of the Coastal Sage, Chaparral, and grassland habitats freely moved over the railroad right-of-way on the south to take advantage of foraging opportunities on site. The presence of listed species previously documented in the vicinity during more intensive surveys but not on-site during the brief mid-day survey done by the project's biological consultant should not be simply dismissed as irrelevant. I have personally conducted bird surveys adjacent to the project site and have observed a number of additional species unrecorded by the consultant.

The site is listed as a "Local Corridor for Wildlife Movement" in the HCP/NCCP. The biological consultant dismisses the importance of the on-site riparian portion of this corridor in favor of the larger area of brush-covered hillside south of the railroad-right-of-way. Loma Alta Creek as it traverses the subject property, however, provides the water, tree cover, seed and insect load, critical to many of the wildlife species that migrate along this corridor. Resident wildlife in the drier habitats south of the site also would be expected to regularly utilize the creek as a source of water. The fact that this important

strip of riparian habitat is narrow in width and already compromised with manmade disturbance and non-native plants underscores the need for more, not less, protection and remedial measures. We feel this project requires a full Environmental Impact Report to properly identify impacts and provide special conditions and measures needed for mitigation.

I have limited my comments to several issues regarding birds and wildlife, however, we are equally concerned about the issues of hydrology, contaminated runoff, impacts of siltation, air quality, noise pollution, nighttime lighting, and traffic—all topics which should be more fully examined in a full Environmental Impact Report.

Finally, it is our belief that the subject site has significant potential for habitat restoration, in furtherance of the goals, objectives, and recommendations contained within the City of Oceanside's Loma Alta Creek Watershed Management Plan (2003). We are requesting that the draft Mitigated Negative Declaration be withdrawn, and that this project be encouraged to move to a site less environmentally sensitive.

Sincerely,
*Andrew Mauro*

Andrew Mauro, Conservation Chair
Buena Vista Audubon Society

Cc: BVAS Board
Jerry Hittleman
Nadine Scott

**RICHARD R. HORNER, PH.D.**

230 NW 55TH STREET
SEATTLE, WASHINGTON 98107

TELEPHONE: (206) 782-7400
E-MAIL: rrhorner@msn.com

RECEIVED

JAN 28 2008

Planning Department

January 23, 2008

Mr. Jerry Hittleman
City Planner
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

(via U.S. Postal Service and electronic mail)

**Re: D-7-07, C-12-07, Robertson's Oceanside Ready Mix Concrete**

Dear Mr. Hittleman:

I was provided with your responses to my comments of October 12, 2007 on the proposed Robertson's concrete plant and was requested to reply. The time allotted for reply before your January 28, 2008 Planning Commission meeting is very limited. While I can reply to most of your responses in the time available, I wish to request additional time, particularly to evaluate the implications of two flooding events at and around the site in the last several months. I believe that going forward with a decision is premature before I and others have the opportunity to assess fully what the flooding potential on a contaminated industrial site means for the Loma Alta Creek and downstream ecosystems. Accordingly, I request a delay of at least two months before consideration of approval of the development plan and the ability to submit additional comments within that period.

My reply uses the same numbering system as your response; i.e., referring to comments M-1 to M-21.

**M-1.** I disagree that the historical impacts and encroachment on the floodplain justify placement of a new pollution source there. I further disagree that the site has little value to the ecosystem. My comment called for placing the plant elsewhere and restoring natural aspects of the floodplain. That restoration would fully or at least partially undue past damage and, in combination with other restoration efforts in the watershed, render the site of substantial ecological value. We cannot stop the continual loss of the beneficial uses of our waters if we use past poor decisions as excuses for additional poor decisions.

**M-2.** Developing this specific site for industrial use removes 2.78 acres from the land base potentially available to implement your Loma Alta Creek Watershed Management Plan. The highest and best use of a floodplain, and the only proper use, is to perform the natural functions of a floodplain in managing flood waters, contributing to aquatic biogeochemical cycles,

providing habitat, etc. A concrete batch plant has no essential need for locating in a floodplain and is about the worst use of such land.

**M-3.** I recognize that a Storm Water Pollution Prevention Plan is customarily prepared just prior to construction. However, the documents submitted to support this project provide no information whatsoever on how construction will be managed to avoid aquatic impacts. Furthermore, I asserted in my comment, and still maintain, that there are serious faults in the submittals relative to permanent stormwater management. You and your colleagues as decision makers, as well as citizens, deserve full details on what is being decided on the public's behalf.

**M-4.** I respectfully submit that approval by the City and preparation by a registered engineer does not alleviate the deficiencies that I outlined. The recent floods, in fact, point out the additional deficiency that the documents failed to address the occurrence of flooding on a contaminated industrial site immediately alongside a stream and its implications for the project's potential impacts.

**M-5.** Purchasing old sites does not absolve an owner from complying with regulatory requirements, including meeting promulgated pollutant discharge benchmarks. I would expect that Robertson's poor record would raise red flags to officials in a community where the company wants to build, and that you would demand assurances from the start that the behavior elsewhere will not be repeated. Once the plant is approved and built as now proposed, there will be limited opportunities for correction and bringing the site into compliance.

**M-6, M-7, M-8.** Please see my reply relative to M-3.

**M-9.** I commented and reiterate that the Storm Water Plan provides no indication at all on how the purported landscaped biofiltration areas are designed relative to stormwater management needs. If these areas are truly stormwater treatment systems, they must have sufficient size and appropriate characteristics to treat the quantity, pattern, and quality of stormwater they will receive. Do they? Nobody can answer that question with the level of detail provided.

**M-10.** On this point I will need the additional time requested to verify the claim that post-construction peak flow rates and volumes will be less than the pre-development quantities.

**M-11.** Thank you for the additional explanation. However, it is still not sufficient. What "gravity separator stormwater treatment device" will be used? Many such devices on the market capture only relatively large solids, allowing virtually all of the relatively fine solids and dissolved pollutants to escape.

**M-12.** Thank you again for the additional explanation. However, I am unclear on whether or not the basin will ever overflow to the creek. If it can, it is still inappropriate to expose potential stream discharge to equipment cleaning products.

**M-13, M-14.** It is now more apparent than ever that the detention basin is nearly useless for treatment. I thought it was to treat runoff from more than half the site. What will replace its lost

treatment function, and what are the full design details on the overall site's treatment facilities? It is very inappropriate to take a final decision on this project with such vagueness prevailing.

**M-15.** You did not respond to my comment that a stream buffer should not be used to treat a contaminated waste stream. A buffer is to set the ecosystem aside from impact sources. Even if I could allow that using the buffer for treatment is acceptable, I cannot tell what treatment it would provide. You said, "... some filtering ... ." How much is "some?" As in preceding comments in this letter, the design details on what is put forth as a treatment system are entirely lacking.

**M-16.** Your response does not square with the statement by LSA Associates, Inc. that two corridors through the buffer totaling 2500 square feet in area will be affected by construction.

**M-17.** We have a technical disagreement on how hydrological estimates should be made. I suggest that you poll a selection of hydrologists in major engineering consulting firms and universities within and especially outside your area and find out which of our views has the most support.

**M-18.** It makes no difference to me at all if "Standard engineering practices were applied ..." if site-specific soils and hydrogeological data were not collected. Any stormwater management plan not predicated on investigations on the site is inadequate from the start.

**M-19.** The proponent failed to perform an analysis based on the specific pollutants to be generated on the site, regardless of what the City's SUSMP incorporates.

**M-20, M-21.** I remain convinced that a potentially restorable floodplain should not be used for a concrete batch plant and that the Draft MND should be withdrawn. Likewise, I maintain my position that full details must be given on construction and post-construction phase stormwater management measures should any consideration be given to allowing a polluting industry to locate in such a sensitive spot.

Please inform me of your decision regarding my request for additional time. Meanwhile, I would be pleased to discuss my comments with you and invite you to contact me if you wish to do so.

Sincerely,

Richard R. Horner

Richard R. Horner

Cc (via electronic mail): Chiara Clemente, Regional Water Quality Control Board
Marci Koski, U.S. Fish and Wildlife Service
Bob Morris, Regional Water Quality Control Board

Ben Neill, Regional Water Quality Control Board
Bruce Posthumus, Regional Water Quality Control Board
Tamara Spear, Department of Fish and Game
Amy Volzke, City of Oceanside
Barbara Riegel Wayne, City of Oceanside

RECEIVED
JAN 28 2008
Planning Department

Buddie E. Gran
1429 E Wilson Ave
Escondido Ca. 92027
760-743-11949

January 24, 2008

Oceanside Planning Commission
300 N. Coast Highway
Oceanside Ca

Oceanside City Council

Robertson Concrete batch Plant

I do not live in Oceanside, Vista or San Marcos I consider all three as neighbors, there has to be a very good reason that Vista and San Marcos applications from Mr. Robertson and his withdrawing application for concrete plants this alone should answer any questions.
The area in question is a bad choice for toxic chemicals and the results of 1200 cubic yards of concrete a day I believe is a very conservative figure and to expose visitors and residents to this amount of toxic pollution is next to criminal , please note the 10 toxic chemicals and pollution that will be discharged by this plant daily and effects this will have on your family when they breath this toxic material.

#1 [ROG ] REACTIVE ORGANIC GAS
Effects organs of the body , Inflammation of Bronchia causing Pneumonia.

#2 [ CO] CARBON MONOXIDE
This is a colorless , odorless, highly poisonous gas effecting the Brain, Lungs and other organs

#3 [ NOX ] NITROGEN OXIDES
Mild brown poisonous gas that effects the Senses and Nervous System

#4 [ PM10 ] COMBUSTION PARTICULATES
Air born particles causing inflammation of Bronchia causing Pneumonia and effects Body Organs

#5 [ SO2 ] SULFER DIOXIDE
Becomes poison when contacts air and effects Lungs and other Organs

#6 [ PM10 ] RESPIRABLE PARTICULATE MATER
Air born particles unknown which effect one or more senses and effects Lungs and Heart

#7 [ PM2.5 ]
the smallest of PM 10 that lodges in lower part of Lungs and unable to dislodge

#8 [ Sox] OXIDES OF SULFER
Becomes poison when comes in contact with air effects Lungs and other Organs

#9 LEAD AND LEAD COMPONANTS
Leading cause of Autism and Deformity in Children

#10 [ ROC ] REACTIVE ORGANIC COMPOUNDS
Effecting all organs of the Body [ A POISON ]

The above chemicals are produced by the concrete batch plant daily.
The thousands of pounds of pollution from the diesel trucks that produce more PM-10 and PM-2.5 than any other source, added to any pollution from the plant operating 12 hours a day, will trucks deliver material to plant the other 12 hours, look at environmental report do you believe this amount of toxic material should be allowed in major corridor or that an elaborate environmental report will change the amount of toxic pollution discharged from concrete plant effecting thousands of residents daily.

Buddie E. Gran
1429 E. Wilson Ave
Escondido Ca. 92027
760-743-1949

January 24, 2008

Oceanside Planning Commission
300 N. Coast Highway
Oceanside Ca

Oceanside City Council

The second environmental report should not be necessary as this is just sugar coating the first report.
There were some concerns on the San Marcos environmental report as I had time to get some of the report.
Will this be a typical, this will not pass so mitigate all the problems away as residents start falling over as only tax revenue counts at all cost.
We have a large amount of the public that are complaining about how many of our military personnel we are losing in Iraq when they should look at the following report and tell me that I am wrong
Report on California for year 2004, on industrial toxic chemicals that sickened 200,000 workers with chronic diseases linked to industrial chemicals, including industrial pollution with additional 4,400 that died from industrial chemicals such as Cancer, Emphysema and Parkinson's disease costing 2.6 Billion Dollars not included are the disabled or the part that makes me sick the 240,000 additional cases of Asthma and other childhood diseases related to Industrial Chemicals and Pollution costing another 1.2 Billion Dollars a total of 3.8 Billion Dollars and 444,400 sick or dead in California only.
Nationally this is 24 million sick and 222,000 dead at a cost of 240 Billion Dollars and we do this to our self, mitigation will not make this right we have to stop at some point or why not a ASPHALT PLANT NEXT TO CITY HALL this makes as much sense as concrete plant in middle of city or flood plane.
Remember the on off ramps at Interstate 5 and Hwy, 78 clogged with huge trucks and delivery of material all night long to make concrete.
Has Mr. Robertson made special pricing to City of Oceanside for material trying to get votes for hazardous waste sight I hope not.
We can not bring back the 4,400 that died from industrial chemicals, we can make sure that this will not increase to 6,00 or 8,000 by placing industrial toxic waste and this is toxic waste where it belongs, and not within the city.
God forbid you have a flood if concrete plant placed at this location,
Remember these chemicals will take the skin off your hands and you can see what happens when you breath this material your skin replaces itself, damage to the Lungs, Heart and vital Organs are permanent.
I would bet that there work comp, insurance is out of sight, does Oceanside needs this, and mitigation will not help workers and resident injured if plant is approved.

Buddie E. Gran

# THER TOP STORIES

# Toxic chemicals' economic, health consequences studied

By Terence Chea
ASSOCIATED PRESS

SAN FRANCISCO — Toxic chemicals sicken and kill thousands of people in California each year and cost the state an estimated $2.6 billion in medical expenses and lost wages, according to a new report to be released today.

The study by University of California researchers details the economic, environmental and public health impacts of industrial chemicals and calls for state policies to phase out dangerous substances and promote safer alternatives.

"We don't have a comprehensive policy on how chemicals and products are designed, used and disposed of in this state," said Michael Wilson, a research scientist at the UC Berkeley School of Public Health.

The report, "Green Chemistry: Cornerstone to a Sustainable California," was commissioned by the California Environmental Protection Agency and endorsed by 127 researchers at UC campuses and national laboratories in California. The researchers are scheduled to brief state lawmakers on their findings tomorrow.

The researchers estimate that in 2004 more than 200,000 California workers suffered from chronic diseases linked to workplace exposure to industrial chemicals. An additional 4,400 people died of those diseases, which include cancer, emphysema and Parkinson's disease.

Those illnesses cost state businesses, insurers and families $1.4 billion in hospitalizations, drugs and other medical expenses, as well as lost compensation to workers who could no longer work, according to the report. An additional 240,000 cases of asthma and other childhood diseases related to chemical exposure cost the state an additional $1.2 billion.

While the study focuses on 2004 — the most recent year for which data are available — the numbers are representative of the impact of chemical exposure in California in a typical year, said Paul Leigh, an economist at UC Davis School of Medicine who analyzed existing data to develop the estimates.

Farmworkers, welders, hairdressers, beauticians and spray painters are among the workers most likely to be exposed to toxic chemicals on the job, according to the report.

John Ulrich, who heads the Chemical Industry Council of California and read the report, said the chemical industry was moving toward developing safer, more eco-friendly products.

Gov. Arnold Schwarzenegger launched the California Green Chemistry Initiative last year to bring together scientists, policymakers and industry officials to develop policy recommendations for chemicals.

## RULE 50.1. NSPS AND NESHAPS VISIBLE EMISSIONS REQUIREMENT Effective 11/8/76)

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## RULE 51. NUISANCE

A person shall not discharge from any source whatsoever such quantities of air ntaminants or other material which cause injury, detriment, nuisance or annoyance to any nsiderable number of persons or to the public or which endanger the comfort, repose, alth or safety of any such persons or the public or which cause or have a natural tendency cause injury or damage to business or property. The provisions of this rule do not apply odors emanating from agricultural operations in the growing of crops or raising of fowls animals.

**Amy Volzke**

**From:** deannie550@sbcglobal.net
**Sent:** Monday, September 24, 2007 11:12 AM
**To:** Amy Volzke
**Subject:** Fwd: diesel idling prohibited

I would also like to a see a 5 minute IDLING condition restriction on idling for Robertsons.

I have a few more things I'd like to see but will call you about those.
Nadine

http://www.10news.com/news/12514655/detail.html

Date: Thu, 19 Apr 2007 10:21:45 -0700
To: deannie550@sbcglobal.net, JoyW@environmentalhealth.org
From: stoprobertsons@sbcglobal.net
Subject: diesel idling prohibited

**NATIONAL CITY, Calif. --** National City officials have passed a law that prohibits diesel trucks weighing more than 10,000 pounds from idling more than five minutes, it was reported Thursday.

Passed this week, the law is aimed at stopping truck driving schools from practicing maneuvers and idling within 100 feet of a school, but it is also intended to reduce all truck idling in the city, The San Diego Union-Tribune reported.

A man died in February after his family said exhaust from a Momax Truck Driving School big rig induced an asthma attack. Community members and Kimball Elementary teachers rallied the City Council to prevent it from happening again.

Environmental Health Coalition activists want the new law named after Javier Jimenez, the man who died, the newspaper reported.

It goes into effect in 30 days, according to the Union-Tribune.

## Amy Volzke

**From:** d-mcginty [d-mcginty@cox.net]

**Sent:** Tuesday, September 11, 2007 7:54 AM

**To:** Amy Volzke

**Subject:** Robertson's Concrete Batch Plant

Amy:
I want to enter a comment into the record if it is not too late.

All of my grievances previously stated regarding this location for this plant in the Industry Street corridor and Oceanside Boulevard corridor still prevail.

The fact that there is NO revenue to the City from their operations is a major issue. They tear up the roads, pollute the environment with Cement dust and further contribute to the contamination of Loma Alta Creek are big in my book. They will not be contributing a dime to our roads nor any other infrastructure in the City.

Thank you,
Donna McGinty
2405 Mesa Drive
Oceanside, CA 92054 760-754-9109

Michael Bullock
1800 Bayberry Drive
Oceanside, CA 92054

January 28, 2008

Planning Commission Chairman Martinek and Commissioners
300 N. Coast Highway
Oceanside, CA 92054

Subject: Robertson Cement Plant Application, Commission Agenda Item 3

Planning Commission Chairman Martinek and Members of the Commission:

The proposed development is at 2847 Industry Street. This location is within walking distance of the El Camino Real Sprinter Station. To verify this, I have placed two graphics at the end of this letter. The first shows that the distance from 2847 Industry Street to the corner of Industry Street and El Camino Real is .4 miles. The second graphic shows that the actual station platform is about this same distance to 2847 Industry Street. Therefore, the proposed development is less than a 10 minute walk from the Sprinter Station Platform. Such a location should never be wasted on a development that is going to take up a lot of land but that will employ relatively few workers. This land should be developed as part of a TOD (transit oriented development). In other words, this property should instead be used for a relatively high density housing, office, and/or commercial development, within a plan that favors walking, bicycling, and transit use.

One reason this is true is because of the potential carrying capacity of rail. The capacity of a freeway lane is only about 1,800 cars per hour. Rail can carry more people, even though it takes up less land. As a bounding case, the NY subway capacity is about 40,000 passengers per hour. This may be surprising, since two railroad tracks consume about the same land as a single freeway lane. We need to take full advantage of the potential of a rail station.

California has a policy of reducing the generation of greenhouse gases, primarily carbon dioxide. This should not be minimized or ignored in your considerations. The manufacturing of concrete and the use of concrete will produce carbon dioxide. This would have to be fully evaluated under CEQA law if this application goes forward.

The applicant may be thinking that the widening of Freeways 78 and I-5 mean that Oceanside is a convenient location for a cement plant. However, to reach the required reduced levels of CO2 generation, Californians are going to have to drive significantly less than they do now, even as our population increases.

There are many policies that can make this happen. For example, local governments could reduce the amount of required employee car parking for companies that chose to pay their employees an extra amount each time that they get to work without driving (companies that implement "cashout"). This would be reasonable because the number

of cars driven to work at such companies would be, on average, 25% less than if cashout was not paid. The two tables at the end of this letter show the power of car parking cashout at places of employment. For CH2M Hill, the amount paid was $54/Month, in 1995 dollars.

Other cases, shown in the second table, were nearly as good and the overall results are stunning. Even the worst case showed a 15% reduction in driving. This would easily support a 10% reduction in the size of the parking lot. For a company with 1,200 employees, this would result in 1 acre of land not needed for parking. The company could sell the land, invest the money earned from the sale, and use the earnings from the investment to pay the cashout. The company could more than break even, even if the company paid 3 employees cashout for every 2 parking spaces saved.

The primary point here is that there are ways to decongest our freeways without adding lanes. Given our state laws and our climate crisis, we have no other choice but to take these more prudent approaches to congestion reduction. Global warming and a California Attorney General that wants to enforce the law means that cement plants built to expand freeways are poor investments.

Like it or not, our city must be on the forefront of the necessary effort to avoid global warming catastrophe. Urban Planning that reduces reliance on the automobile is required to reduce C02 production. Our Attorney General's lawsuits and the information on his website make this clear. Urban planning is primarily the function of local government. We cannot expect the world to reduce its C02 generation when so many of our California cities, which have been configured by automobile-based urban planning and transportation, continue with a business-as-usual approach to growth.

Please reject this application and make clear your intention that land within walking distance of a rail station will always be developed to maximize the potential of transit, by the use of TOD and car parking strategies that provide more choices for companies and employees.

Respectively submitted,

Mike Bullock

| CH2M Hill Work Trips | | |
|---|---|---|
| ***Mode*** | ***Before*** | ***After*** |
| **Drive Alone** | **89%** | **54%** |
| **Carpool** | **9%** | **12%** |
| **Bus** | **1%** | **17%** |
| **Bike, Walk** | **1%** | **17%** |
| | ***100%*** | ***100%*** |

**Cashout Results for CH2M Hill, an Engineering Firm in Bellevue, Washington, Near Seattle**

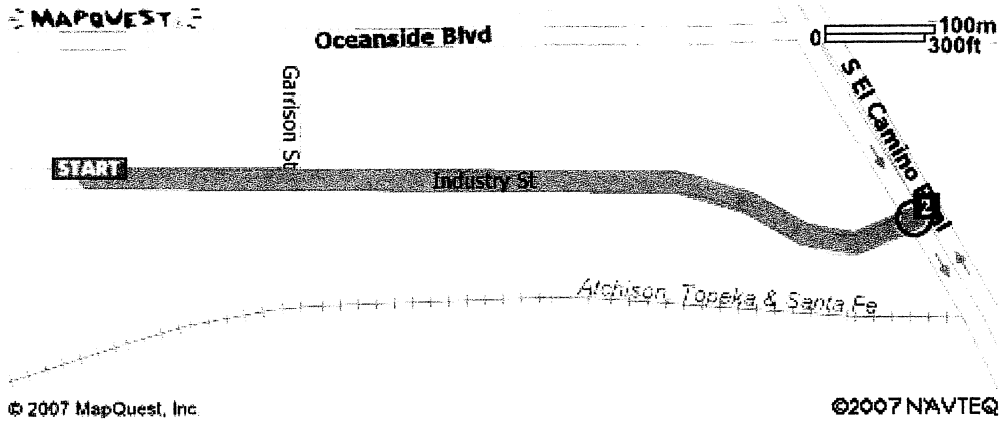
| Financial Incentives, Impact on Parking Demand* | | | | |
|---|---|---|---|---|
| **Location** | **Scope** | **Employees, Assumed No.** | **Financial Incentive per mo.** ***(1995 $'s)*** | **Parking Decrease** |
| ***Group A: Areas with little or no public transportation*** | | | | |
| Century City District, West Los Angleles | 3500 employees surveyed at 100+ firms | **3500** | **$81** | **15%** |
| Cornell University Ithaca, NY | 9000 faculty & staff | **9000** | **$34** | **26%** |
| San Fernando Valley, Los Angles | 1 large employer ( 850 employees) | **850** | **$37** | **30%** |
| Bellevue, WA | 1 medium-sized firm (430 employees) | **430** | **$54** | **39%** |
| **Weighted Average of Group** | ***Sum*** | ***13780*** | **$46.75** | **23.9%** |
| ***Group B: Areas with fair public transportation*** | | | | |
| Los Angeles Civic Center | 10000+ employees at several organizations | **10000** | **$125** | **36%** |
| Mid-Wilshire Blvd., Los Angleles | 1 mid-size firm | **430** | **$89** | **38%** |
| Washington DC Suburbs | 5500 employees at 3 worksites | **5500** | **$68** | **26%** |
| Downtown Los Angeles | 5000 employees surveyed at 118 firms | **5000** | **$126** | **25%** |
| **Weighted Average of Group** | ***Sum*** | ***20930*** | **$109.52** | **30.8%** |
| ***Group C: Areas with good public transportation*** | | | | |
| University of Washington, Seattle | 50,000 faculty, staff & students | **50000** | **$18** | **24%** |
| Downtown Ottowa, Canada | 3500+ government staff | **3500** | **$72** | **18%** |
| **Weighted Average of Group** | ***Sum*** | ***53500*** | **$21.53** | **23.6%** |
| **Weighted Average Over 3 Groups** | | | **$46.35** | **25.3%** |

**Ten Cases of Cashout, from *How to Get Paid to Bike to Work: A Guide to Low-traffic, High-profit Development.* Published in *Bicycle Pedestrian Federation of America*, 1995**

## Graphic 1

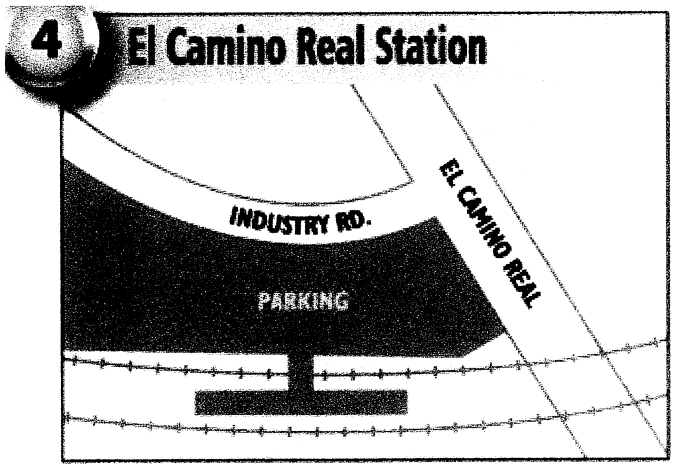
**Distance from the 2847 Industry Street location to the corner of Industry Street &El Camino Real**

**1:** Start out going EAST on INDUSTRY ST toward GARRISON ST. **0.4 miles** Hide




## Graphic 2

**Actual Location of the El Camino Real Sprinter Station**



## Jerry Hittleman

**From:** nadia550@sbcglobal.net
**Sent:** Sunday, January 27, 2008 3:02 PM
**To:** Jerry Hittleman; Barbara Riegel Wayne
**Subject:** Fwd: Robertson's Concrete Plant

Please put into the record as opposing Robertson's concrete plant project. nls

From: "Fern" <fkissel@cox.net>
To: <dmartinek@palomar.edu>, <stan.bertheaud@woodbury.edu>,
<louisebalma@sbcglobal.net>, <ctroisi@msn.com>, <captrfn@yahoo.com>,
<rhorton01@yahoo.com>, <rparker75@cox.net>
Subject: Robertson's Concrete Plant
Date: Sun, 27 Jan 2008 14:52:02 -0800
X-Mailer: Microsoft Outlook Express 6.00.2900.3138

To the Planning Commission:
I am unable to attend tomorrow night's meeting regarding the building of a concrete plant by Robertson's and am voicing my opposition via this email. The building of a concrete plant in the middle of a residential area and in an area that the City of Oceanside is attempting to revitalize, is not acceptable. The project will bring more traffic, noice and dust and does not fit with the vision that the citizens have for the Oceanside Boulevard Corridor. We have waited a long time for that area to be cleaned up and revitalized and we would like to keep the progress moving forward in a way that is beneficial to the citizens, not to private industry. Also, that site is 100% within the floodplain of Loma Alta Creek which drains to Bucaneer Beach -right at the ocean. This is an area which has a history of flooding and if you allow a concrete plant to be built on the proposed site, irreparable environmental damage is certain to occur.

Please consider keeping Oceanside Boulevard free of concrete dust and noise and keeping it for the pleasurable use of the citizens of this city.

Thank you,

Fern Kissel
1513 San Jose St.

**Mr. and Mrs. Randall L. Mitchell**
**161 Parnassus Circle**
**Oceanside, California 92054**
**760-757-4323**

January 27, 2008

Oceanside Planning Commission
300 North Coast Highway
Oceanside, California 92054

Chairperson and Members:

We the undersigned respectfully request that the City of Oceanside deny the request by Robertson Ready Mix or anyone else to build a concrete plant on Industry Street and to require them either to leave the city or find another location that would be environmentally suitable.

The proposal by Robertson is in direct opposition to the work accomplished by the Oceanside Boulevard Vision Task Force appointed by the City Council some months ago and accepted by the same Council November 13, 2007.

The water and air pollution that will result from this proposed plant, in spite of their promises to the contrary, is completely unacceptable. The detrimental effect that would result from the increased traffic flow also is not acceptable to anyone who travels east or west on Oceanside Boulevard or Industry Street or north or south on El Camino Real, all major thoroughfares in the city.

In addition it is our understanding that the City would receive little or no financial or other benefits from the plant. Only a limited number of jobs will be created by the facility. It is understood that all sales tax revenue, which will be quite large, will go directly to Riverside, California, the home base of the company. Oceanside, on the other hand, will accrue all the negative aspects of the concrete plant.

Again, it is requested that approval to build the concrete plant be denied. It further is requested that this communication become a permanent part of the record of this hearing.

Sincerely.

Carolyn L. Mitchell  Randall L. Mitchell

RECEIVED
JAN 28 2008
Planning Department

Buddie E. Gran
1429 E Wilson Ave
Escondido Ca. 92027
760-743-11949

January 24, 2008

Oceanside Planning Commission
300 N. Coast Highway
Oceanside Ca

Oceanside City Council

Robertson Concrete batch Plant

I do not live in Oceanside, Vista or San Marcos I consider all three as neighbors, there has to be a very good reason that Vista and San Marcos applications from Mr. Robertson and his withdrawing application for concrete plants this alone should answer any questions.
The area in question is a bad choice for toxic chemicals and the results of 1200 cubic yards of concrete a day I believe is a very conservative figure and to expose visitors and residents to this amount of toxic pollution is next to criminal , please note the 10 toxic chemicals and pollution that will be discharged by this plant daily and effects this will have on your family when they breath this toxic material.

#1 [ROG ] REACTIVE ORGANIC GAS
Effects organs of the body , Inflammation of Bronchia causing Pneumonia.

#2 [ CO] CARBON MONOXIDE
This is a colorless , odorless, highly poisonous gas effecting the Brain, Lungs and other organs

#3 [ NOX ] NITROGEN OXIDES
Mild brown poisonous gas that effects the Senses and Nervous System

#4 [ PM10 ] COMBUSTION PARTICULATES
Air born particles causing inflammation of Bronchia causing Pneumonia and effects Body Organs

#5 [ SO2 ] SULFER DIOXIDE
Becomes poison when contacts air and effects Lungs and other Organs

#6 [ PM10 ] RESPIRABLE PARTICULATE MATER
Air born particles unknown which effect one or more senses and effects Lungs and Heart

#7 [ PM2.5 ]
the smallest of PM 10 that lodges in lower part of Lungs and unable to dislodge

#8 [ Sox] OXIDES OF SULFER
Becomes poison when comes in contact with air effects Lungs and other Organs

#9 LEAD AND LEAD COMPONANTS
Leading cause of Autism and Deformity in Children

#10 [ ROC ] REACTIVE ORGANIC COMPOUNDS
Effecting all organs of the Body [ A POISON ]

The above chemicals are produced by the concrete batch plant daily.
The thousands of pounds of pollution from the diesel trucks that produce more PM-10 and PM-2.5 than any other source, added to any pollution from the plant operating 12 hours a day, will trucks deliver material to plant the other 12 hours, look at environmental report do you believe this amount of toxic material should be allowed in major corridor or that an elaborate environmental report will change the amount of toxic pollution discharged from concrete plant effecting thousands of residents daily.

Buddie E. Gran
1429 E. Wilson Ave
Escondido Ca. 92027
760-743-1949

January 24, 2008

Oceanside Planning Commission
300 N. Coast Highway
Oceanside Ca

Oceanside City Council

The second environmental report should not be necessary as this is just sugar coating the first report.
There were some concerns on the San Marcos environmental report as I had time to get some of the report.
Will this be a typical, this will not pass so mitigate all the problems away as residents start falling over as only tax revenue counts at all cost.
We have a large amount of the public that are complaining about how many of our military personnel we are losing in Iraq when they should look at the following report and tell me that I am wrong
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Buddie E. Gran

The San Diego Union-Tribune • Thursday, January 17, 2008

THER TOP STORIES

# Toxic chemicals' economic, health consequences studied

By Terence Chea
ASSOCIATED PRESS

SAN FRANCISCO — Toxic chemicals sicken and kill thousands of people in California each year and cost the state an estimated $2.6 billion in medical expenses and lost wages, according to a new report to be released today.

The study by University of California researchers details the economic, environmental and public health impacts of industrial chemicals and calls for state policies to phase out dangerous substances and promote safer alternatives.

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The researchers estimate that in 2004 more than 200,000 California workers suffered from chronic diseases linked to workplace exposure to industrial chemicals. An additional 4,400 people died of those diseases, which include cancer, emphysema and Parkinson's disease.

Those illnesses cost state businesses, insurers and families $1.4 billion in hospitalizations, drugs and other medical expenses, as well as lost compensation to workers who could no longer work, according to the report. An additional 240,000 cases of asthma and other childhood diseases related to chemical exposure cost the state an additional $1.2 billion.

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Gov. Arnold Schwarzenegger launched the California Green Chemistry Initiative last year to bring together scientists, policymakers and industry officials to develop policy recommendations for chemicals.

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**RICHARD R. HORNER, PH.D.**

230 NW 55TH STREET
SEATTLE, WASHINGTON 98107

TELEPHONE: (206) 782-7400
E-MAIL: rrhorner@msn.com

RECEIVED

JAN 28 2008

Planning Department

January 23, 2008

Mr. Jerry Hittleman
City Planner
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

(via U.S. Postal Service and electronic mail)

**Re: D-7-07, C-12-07, Robertson's Oceanside Ready Mix Concrete**

Dear Mr. Hittleman:

I was provided with your responses to my comments of October 12, 2007 on the proposed Robertson's concrete plant and was requested to reply. The time allotted for reply before your January 28, 2008 Planning Commission meeting is very limited. While I can reply to most of your responses in the time available, I wish to request additional time, particularly to evaluate the implications of two flooding events at and around the site in the last several months. I believe that going forward with a decision is premature before I and others have the opportunity to assess fully what the flooding potential on a contaminated industrial site means for the Loma Alta Creek and downstream ecosystems. Accordingly, I request a delay of at least two months before consideration of approval of the development plan and the ability to submit additional comments within that period.

My reply uses the same numbering system as your response; i.e., referring to comments M-1 to M-21.

**M-1.** I disagree that the historical impacts and encroachment on the floodplain justify placement of a new pollution source there. I further disagree that the site has little value to the ecosystem. My comment called for placing the plant elsewhere and restoring natural aspects of the floodplain. That restoration would fully or at least partially undue past damage and, in combination with other restoration efforts in the watershed, render the site of substantial ecological value. We cannot stop the continual loss of the beneficial uses of our waters if we use past poor decisions as excuses for additional poor decisions.

**M-2.** Developing this specific site for industrial use removes 2.78 acres from the land base potentially available to implement your Loma Alta Creek Watershed Management Plan. The highest and best use of a floodplain, and the only proper use, is to perform the natural functions of a floodplain in managing flood waters, contributing to aquatic biogeochemical cycles,

providing habitat, etc. A concrete batch plant has no essential need for locating in a floodplain and is about the worst use of such land.

**M-3.** I recognize that a Storm Water Pollution Prevention Plan is customarily prepared just prior to construction. However, the documents submitted to support this project provide no information whatsoever on how construction will be managed to avoid aquatic impacts. Furthermore, I asserted in my comment, and still maintain, that there are serious faults in the submittals relative to permanent stormwater management. You and your colleagues as decision makers, as well as citizens, deserve full details on what is being decided on the public's behalf.

**M-4.** I respectfully submit that approval by the City and preparation by a registered engineer does not alleviate the deficiencies that I outlined. The recent floods, in fact, point out the additional deficiency that the documents failed to address the occurrence of flooding on a contaminated industrial site immediately alongside a stream and its implications for the project's potential impacts.

**M-5.** Purchasing old sites does not absolve an owner from complying with regulatory requirements, including meeting promulgated pollutant discharge benchmarks. I would expect that Robertson's poor record would raise red flags to officials in a community where the company wants to build, and that you would demand assurances from the start that the behavior elsewhere will not be repeated. Once the plant is approved and built as now proposed, there will be limited opportunities for correction and bringing the site into compliance.

**M-6, M-7, M-8.** Please see my reply relative to M-3.

**M-9.** I commented and reiterate that the Storm Water Plan provides no indication at all on how the purported landscaped biofiltration areas are designed relative to stormwater management needs. If these areas are truly stormwater treatment systems, they must have sufficient size and appropriate characteristics to treat the quantity, pattern, and quality of stormwater they will receive. Do they? Nobody can answer that question with the level of detail provided.

**M-10.** On this point I will need the additional time requested to verify the claim that post-construction peak flow rates and volumes will be less than the pre-development quantities.

**M-11.** Thank you for the additional explanation. However, it is still not sufficient. What "gravity separator stormwater treatment device" will be used? Many such devices on the market capture only relatively large solids, allowing virtually all of the relatively fine solids and dissolved pollutants to escape.

**M-12.** Thank you again for the additional explanation. However, I am unclear on whether or not the basin will ever overflow to the creek. If it can, it is still inappropriate to expose potential stream discharge to equipment cleaning products.

**M-13, M-14.** It is now more apparent than ever that the detention basin is nearly useless for treatment. I thought it was to treat runoff from more than half the site. What will replace its lost

treatment function, and what are the full design details on the overall site's treatment facilities? It is very inappropriate to take a final decision on this project with such vagueness prevailing.

**M-15.** You did not respond to my comment that a stream buffer should not be used to treat a contaminated waste stream. A buffer is to set the ecosystem aside from impact sources. Even if I could allow that using the buffer for treatment is acceptable, I cannot tell what treatment it would provide. You said, "... some filtering ... ." How much is "some?" As in preceding comments in this letter, the design details on what is put forth as a treatment system are entirely lacking.

**M-16.** Your response does not square with the statement by LSA Associates, Inc. that two corridors through the buffer totaling 2500 square feet in area will be affected by construction.

**M-17.** We have a technical disagreement on how hydrological estimates should be made. I suggest that you poll a selection of hydrologists in major engineering consulting firms and universities within and especially outside your area and find out which of our views has the most support.

**M-18.** It makes no difference to me at all if "Standard engineering practices were applied ..." if site-specific soils and hydrogeological data were not collected. Any stormwater management plan not predicated on investigations on the site is inadequate from the start.

**M-19.** The proponent failed to perform an analysis based on the specific pollutants to be generated on the site, regardless of what the City's SUSMP incorporates.

**M-20, M-21.** I remain convinced that a potentially restorable floodplain should not be used for a concrete batch plant and that the Draft MND should be withdrawn. Likewise, I maintain my position that full details must be given on construction and post-construction phase stormwater management measures should any consideration be given to allowing a polluting industry to locate in such a sensitive spot.

Please inform me of your decision regarding my request for additional time. Meanwhile, I would be pleased to discuss my comments with you and invite you to contact me if you wish to do so.

Sincerely,

Richard R. Horner

Richard R. Horner

Cc (via electronic mail): Chiara Clemente, Regional Water Quality Control Board
Marci Koski, U.S. Fish and Wildlife Service
Bob Morris, Regional Water Quality Control Board

Ben Neill, Regional Water Quality Control Board
Bruce Posthumus, Regional Water Quality Control Board
Tamara Spear, Department of Fish and Game
Amy Volzke, City of Oceanside
Barbara Riegel Wayne, City of Oceanside

## Jerry Hittleman

**From:** diane nygaard [dandd2@peoplepc.com]
**Sent:** Monday, January 28, 2008 12:33 PM
**To:** Jerry Hittleman
**Cc:** Mary Clarke; Dave Grubb
**Subject:** Robertson's Concrete Facility MND, CUP C-17-05, DP D-8-05
**Importance:** High

Mr Hittleman

Please forward this to the member's of the Planning Commssion for their consideration when they hear the Robertson's Concrete Plant item tonight.

Thank you.
Diane Nygaard

Chairperson and Planning Commissioners

We have reviewed the responses to comments and staff report related to this project. We acknowledge that a number of changes have been made that will reduce the adverse impacts. However we remain concerned about the potential for permanent damage to the function of the Loma Alta watershed and local wildlife corridor unless further project changes are made.

The following issues are of major concern. We urge you to require that all of these are fully addressed before approving this project :

**- requirement for additional Ca Coastal gnatcatcher(CCG) surveys**

Response B-5 on page PR-16 to the wildlife agency's letter stated " A series of three surveys, one in April, May and June, would be sufficient to detent this species. These surveys would be a condition of project approval. " We find no such project condition was added..

**Recommendation- add a project condition requiring the 3 CCG surveys that were already agreed to.**

**- failure to address MHCP edge effect issues in project conditions**

The city has developed a standard set of conditions that assure projects comply with the conditions identified in the MHCP that assure there are no adverse indirect effects on adjacent sensitive habitat. This project site is immediately adjacent to Loma Alta creek and sensitive wetlands. It includes a buffer necessary to provide some protection for this sensitive habitat. This is clearly an area where edge effects could damage sensitive resources. Several of these conditions have been partially addressed- but the language is not consistent with that of the MHCP, and others are completely missing.

**Recommendation : Add the standard MHCP edge effect project conditions.**

**- clarify area for fuel modification**

Project condition # 109 describes requirements for a fuel modification zone of 100' . This area was not delineated on project drawings, but it appears that this may intrude into the 100' wetland buffer. Any clearing within the wetland buffer would not assure adequate proection of the creek.

**Recommendation : Clarify that any clearing/thinning/pruning related to fire fuel zone modification will not take place within the 100' wetland buffer.**

**- lack of compliance with provision of SAP to develop a maximum of 50% of the project site**

Project condition # 121 established the requirement to meet the condition of the draft SAP that only 50% of the site would be developed- yet it allows that part of this could be accomplished with off-site mitigation. The MHCP does not allow export of such open space from the critical Wildlife Corridor Planning Zone. The purpose of the 50% restriction is to provide open space for wildlife movement within the regional wildlife corridor. The project condition as stated allows the applicant to impact land in this critical area and then mittigate it at some unspecified location. This is not consistent with the SAP/or MHCP, and does not allow for any analysis of the adequacy of the proposed mitigation land. How does off site land support wildlife movement within the regional wildlife corridor?

**Recommendation : Require project footprint to be revised to meet the 50% restriction of the draft SAP- or provide full mitigation plan for public review and comment in order to assure that wildlife movement is not compromised.**

- **inadequate flood control measures in place**

This is the single most critical issue that must be addessed before approving this project. This entire project site is within the 100 year flood zone. Building in a flood zone only forces the water to go somewhere else. Loma Alta Creek is an impaired water body. The downstream area at Buccaneer Beach is one subject to very frequent closures because of contamination. Project conditions # 42 and # 81 talk about the requirement for FEMA mapping. However, this after the fact mapping does nothing to assure that flooding will not be a significant problem in this project area- it already is. This is of particular concern because of the open on site detention basin that is partially within the 100' buffer to the creek. Potentially damaging pollutants will be drained to an area that is already within 100' of the creek- and the entire area is within the 100 year flood zone.

Furthermore detention facilities associated with the Sprinter construction have yet to be completed, further exacerbating flooding in the vicinity of the project- and there is nothing that assures these will be done prior to construction of this project.

We have learned that drainage plans based on hydrologic studies often fail in the real world- particularly in an area that is in the flood zone and is already flooding at volumes way below those anticipated with a 100 year flood. There are too many factors that can effect the velocity and volume of water. There have been numerous technical issues raised about the flooding problems associated with this project- by staff of the Regional Water Quality Control Board and other experts like Richard Horner, PH.D.. We urge you to take this issue seriously- for the health of this creek and the downstream watershed all the way to the coast.

**Recommendation - Require more comprehensive hydrologic studies that relate this project to existing flooding conditions and come up with modifications that assure needed facilities are in place to protect this entire area from damaging floods.**

Diane Nygaard
On behalf of MSCP/MHCP Task Force
Sierra Club, San Diego Chapter

## Amy Volzke

**From:** Mike Blessing
**Sent:** Wednesday, February 21, 2007 8:38 AM
**To:** Amy Volzke
**Subject:** FW: Support for Robertsons Project

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**From:** SHERI CHOJNOWSKI [mailto:chozrus@sbcglobal.net]
**Sent:** Tuesday, February 20, 2007 6:36 PM
**To:** City Council
**Cc:** info@cleanindustry4oceanside.com
**Subject:** Support for Robertsons Project

Dear Mayor and City Council - I wanted to let you know that I support the proposed concrete plant on Industry Street that Robertson's Ready Mix is planning to build. I believe that the indoor operations and environmental features are part of an innovative design that will set a new standard for this type of facility throughout the nation. Please approve Robertson's facility.

Craig Chojnowksi

## Amy Volzke

**From:** Vida Murrell
**Sent:** Wednesday, February 14, 2007 1:32 PM
**To:** Amy Volzke
**Cc:** Mike Blessing
**Subject:** FW: Robertson's Ready Mix
**Importance:** High

FYI,

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**From:** Kritzer, Kristal [mailto:Kristal.Kritzer@CTT.com]
**Sent:** Wednesday, February 14, 2007 1:28 PM
**To:** Planning Web; City Council
**Subject:** Robertson's Ready Mix
**Importance:** High

Dear Mayor and Council Members,

I am writing in support of the Robertson's Ready Mix project that will be coming in front of you on Wednesday February 21st. I was born in Oceanside and have lived in North County for 36 years and have watch many changes over those years. I have also watch Robertson's Ready Mix try and find an appropriate location for their new state of the art batch plant for the last several years. I was in agreement that the San Marcos location was not the most ideal and the Vista location, while more ideal than San Marcos is not as ideal as the now proposed Oceanside location.

Industry Street off of Oceanside Boulevard has always been an industrial area and has been the location of a concrete facility for as long as I can remember (back in the ConRock days). With the amount of growth taking place in North County, I believe we would all benefit by having a new environmentally friendly concrete batch plant. I also believe Oceanside would benefit greatly from the increased tax revenue and job creation that would be brought about by Robertson's.

I believe it is common sense to see that the location Robertson's is proposing is already industrial zoned and would be a great benefit to all citizens of North County. Industrial projects are a valuable part of Oceanside's economy and I urge you to vote in favor of the proposed Robertson's.

Sincerely,

Kristal Kritzer
kristal.kritzer@ctt.com

**Amy Volzke**

**From:** nadia550@sbcglobal.net

**Sent:** Wednesday, February 14, 2007 12:21 PM

**To:** City Council; Barbara Riegel Wayne; dsterrett@nctimes.com; lola.sherman@uniontrib.com; jmusicar@coastnewsgroup.com; logan.jenkins@uniontrib.com; psisson@nctimes.com; lindsaymhood@sbcglobal.net; angela.holman@tlnews.net; editor@nctimes.com; letters@thecoastnews.com; letters@nctimes.com; Jerry Hittleman; Peter Weiss; Mo Lahsaiezadeh; Amy Volzke; John Mullen; mlgeist@msm.com; Mike Blessing; Holly Trobaugh; Patricia Allison

**Cc:** gregroot@uniontrib.com; loma_alta@yahoogroups.com; david@oceansidechamber.com; Jimmy Knott

**Subject:** Press release - for immediate distribution

PRESS RELEASE: FOR IMMEDIATE RELEASE

(Press Release # 1 below from LANA...#2 Attached from the StopRobertsons group)

From: <greg.root@uniontrib.com>
To: <nadia550@sbcglobal.net>
Cc: <gregroot@cox.net>

Honorable Mayor, Council Members and City Staff:

The Loma Alta Neighborhood Association has worked in successful partnership with you for several years. Demonstrably, we have made our community more desirable and valuable from these efforts and we thank you for your continuing support. I am speaking on behalf of LANA when I report that there is unanimous opposition to the Robertson's Redi-Mix plant proposed for Industry Street in The Loma Alta Industrial Park.

I have personally collected hundreds of signatures that testify to this overwhelming community agreement and I have not talked to a single community member who does not adamantly oppose it. While I am pleased to see that Robertson's Redi-Mix is moving forward with the preparation of a mitigated negative declaration, the reasons this community is in unanimous opposition are based on factors beyond those that this document might reveal.

They include serious documented violations and obvious environmental damage perpetrated by existing businesses along Loma Alta Creek. Spills and missteps caused over 100 beach closures at Buccaneer Beach during the last year. Therefore, we feel the businesses that are there now must become environmentally vigilant before another potential polluter is allowed. Research into Robertson's record reveals disregard for best practices in their other

operations. They have a history that justifiably reinforces our collective distrust and the fact that they are including an 12.000 gallon fuel tank and dispensing station in their plans is patently unacceptable.

Additionally, cumulative traffic generated by two eminent Sprinter stops, the burgeoning growth of small to mid size businesses at Ocean Ranch, new residential development in and around Loma Alta and the physical limitations regarding Oceanside Boulevard are other components that have led to our collective opposition. We feel there are alternative businesses that would be better suited for the site, businesses that do not generate 450 to 500 heavy-load and cement trucks per day from very early morning until very late evening.

Finally, the Loma Alta Industrial corridor (Loma Alta Canyon as it was originally known) has evolved little over the last fifty years. Unfortunately there are many areas that remain unattractive from several view points. Though Robertson's project incorporates state of the art technologies, a cement plant is still a cement plant and is not the kind of business that will lead the industrial area into the next phase of positive growth.

Moving forward, let us place new businesses there that contribute through environmental enhancement, technology and forward thinking. We ask that you encourage the proliferation of businesses that will attract higher wage earners and additional, more attractive enterprise, not cement plants.

Respectively submitted,

Greg

Greg Root
President, Loma Alta Neighborhood Association
404 Hoover Street
Oceanside, CA 92054
gregroot@cox.net
www.lomaalta.org
L.A.N.A. Committed to the past, present, and future of the Loma Alta Community

## Amy Volzke

**From:** Mike Blessing
**Sent:** Tuesday, February 13, 2007 4:53 PM
**To:** Amy Volzke
**Subject:** FW: Support of the Oceanside Robertson's Ready Mix Project

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**From:** Mark Severson [mailto:mseverson@saddlebackassociates.com]
**Sent:** Tuesday, February 13, 2007 4:42 PM
**To:** Planning Web; City Council
**Subject:** Support of the Oceanside Robertson's Ready Mix Project

Dear City of Oceanside:

I am writing this email to let you know that I am is support of the Robertson's Ready Mix Project. I am an owner of Multiple buildings throughout the City of Oceanside. I support the project because I know the entire project will be enclosed, the facility will keep local concrete prices down, and additionally it will generate over $200,000 in sales taxes to Oceanside per year.

Sincerely,

***Mark Severson***
***Vice President***
***Saddleback Associates***
***30398 Esperanza***
***Rancho Santa Margarita, CA 92688***
***Ph: 949-635-1970***
***Email: mseverson@saddlebackassociates.com***

RECEIVED
JAN 2 9 2008
Planning Department

TO THE PLANNING COMMISSION,

I OBJECT TO THE DEVELOPMENT OF A CONCRETE MIX PLANT & MATERIALS HANDLING OPERATION & INSTALLATION OF A 12,000 GAL. ABOVE LEVEL TANK AT 2847 INDUSTRY ST. AS PROPOSED BY ROBERTSON, FINE " 6-7-07
6-12-07

I'VE LIVED ON SARBONNE DR. 46 YEARS & I DONT THINK A CONCRETE PLANT WOULD ENHANCE THE NEIGHBORHOOD!!

(OVER)

MARY H. PARKER
2413 SARBONNE DR
OCEANSIDE, CA.
92054
#757-8878

COMMUNITY MEMBERS

# NO ON ROBERTSONS
# Not Here - Not Now

Bad For Our Community

Bad For Our Neighborhoods

Bad For Loma Alta Creek

# Major Issues –

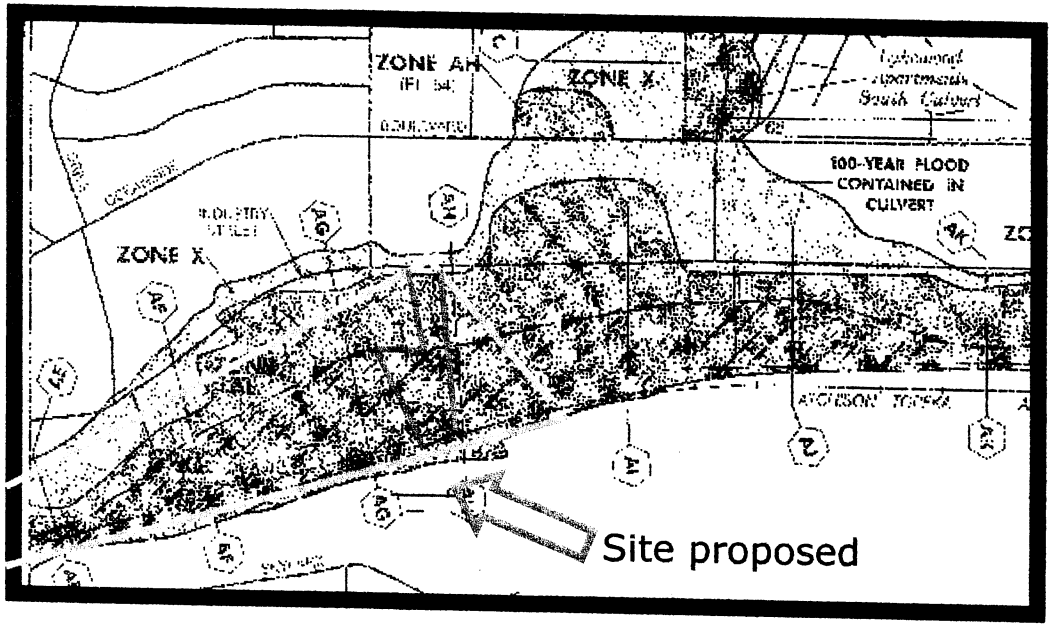
- **ENVIRONMENTAL**
  - Flooding & Hydrology
    FEMA/CLOMR/LOMR/NCTD
  - Poor Record
  - Chemicals & Dangerous Substances
  - Traffic, noise, dust, road damage, safety
  - Habitat
- **ZONING, LAND USE ELEMENT, VISION**
  - - compatibility, Land Use Element
  - - bulk/size
  - - Oceanside Boulevard Task Force Plan
- **PROJECT MUST BE DENIED**

# ROBERTSON'S CONCRETE PLANT SHOULD NOT BE BUILT IN THE FLOODPLAIN - 1

## WHY BUILD IN THE FLOODWAY AND FLOODPLAIN ?

- Floodplain-chance to flood 26% over 30 years
- Floodway - floods 1 -3 feet ANNUALLY
- Recent and Historical flooding of entire site-
  ....*newspaper articles, Turko film, live testimony*

**FEMA FLOODMAP OUTDATED!**




Proposed Site

Flooded area *(approx)*

To date > $5 million spent to improve Loma Alta Creek plus ~ $7 million more taxpayer dollars for detention ponds that won't fix the problem!

# ROBERTSON'S CONCRETE PLANT SHOULD NOT BE BUILT IN THE FLOODPLAIN - 2

## WHY BUILD HERE ? YOU SHOULDN'T!

"I disagree that the historical impacts and encroachment on the floodplain justify placement of a new pollution source there." (response to comment M-1)

**Dr. Horner has extensive BACKGROUND AND EXPERIENCE- An expert in his field!**

" A concrete batch plant has no essential need for locating in a floodplain and is about the worst use of such land." *(response to comment M-2)*

" The recent floods, in fact, point out the additional deficiency that the documents *failed to address the occurrence of flooding* on a contaminated industrial site immediately alongside a stream and its implications for the project's potential impacts." (response to comment M-4)

*Selected comments from Dr. Richard Horner-* Letter January 25, 2009

# ROBERTSON'S SHOULD NOT BE BUILT IN THE FLOODPLAIN - 3

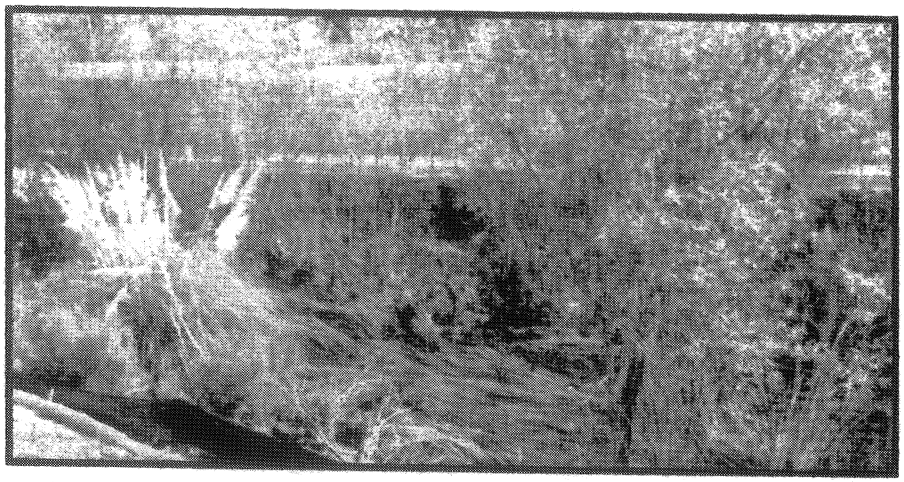
**NO ONE CAN or SHOULD GUARANTEE THIS SITE WON'T FLOOD**

The flood basins will not stop the area from flooding. The Sprinter line narrowed the creek and "has reduced the flood carrying capacity of the creek."

( City letter 1-10-2008, telephone conversation with NCTD and informal talks with City staff)

Sprinter Line revetment/ dams that narrow creek

"It appears that ..the intended benefit … of the upstream basins, may be negated by SPRINTER." (*letter from City responding to NCTD's CLOMR request for a flood map revision 1-10-2008)*



6 foot tall plants/trees just upstream from planned site were flattened by the flood in January 2008- indicates volume and velocity- the creek is much wider here too

# CONCRETE PLANTS

# HARM THE ENVIRONMENT

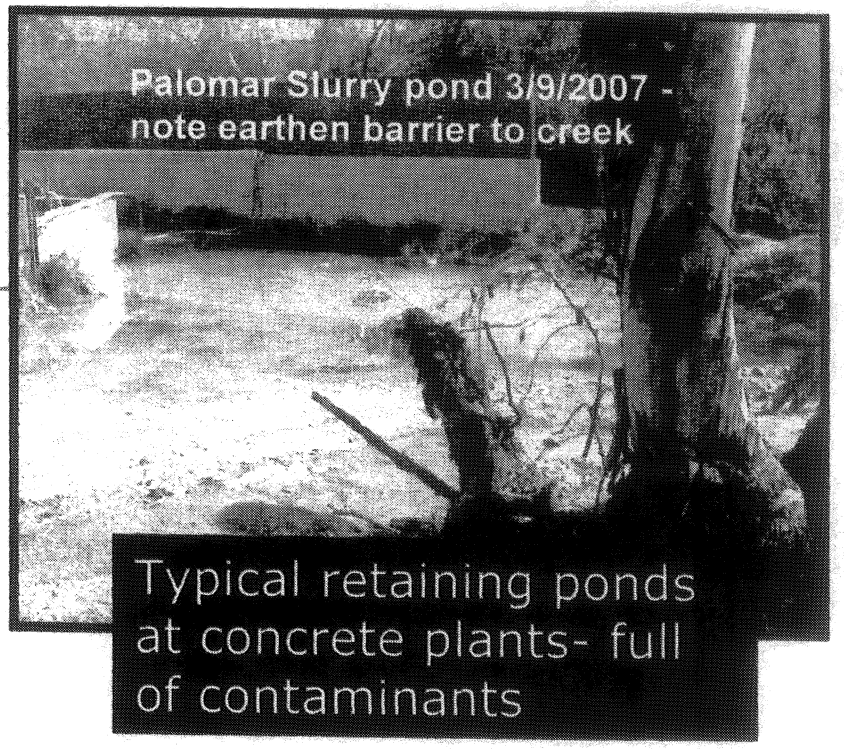
DESIGNED TO POLLUTE

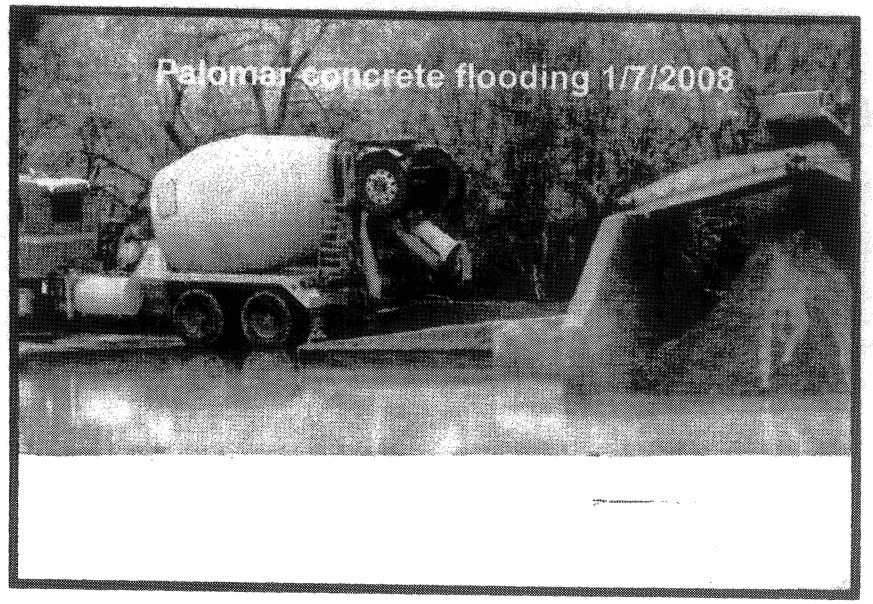
ROBERTSON'S POND is designed to overflow toward the Creek during 'LARGE STORM EVENTS' (*FMND S-17h)*

DURING RECENT MODEST STORMS, AND THROUGHOUT HISTORY, The PROJECT SITE AND ADJACENT SITES HAVE FLOODED WITH AS MUCH AS 8 INCHES OF WATER (Turko *film, NCTimes Jan 8, 2008)*

THIS *WILL* RESULT IN CONTAMINATION OF LOMA ALTA CREEK, GROUNDWATER & ADJACENT BUSINESSES

**WHAT IS THE COST TO US ALL?**



# ROBERTSON'S CONCRETE PLANTS

# POOR ENVIRONMENTAL RECORD

Submitted into the Record

Summary Letter "Recent Host City Violations" (5 pages)

AQMD Notices of Violation (1 page)

NOV list (2 pages)

Graph of AQMD air quality violations (1 pages)

AQMD NOV Inquiry System (15 pages)

RWQCB Complaint No. R8-2003-0043 (7 pages)

RWQCB staff report 5-16-2003 re: R8-2003-0043 (12 pages)

RWQCB Complain No. R8-2005-0073 (8 pages)

RWCQB Complaint No. R8-2006-0044 (3 pages)

ROBERTSON'S POOR ENVIRONMENTAL RECORD CAUSED BY:

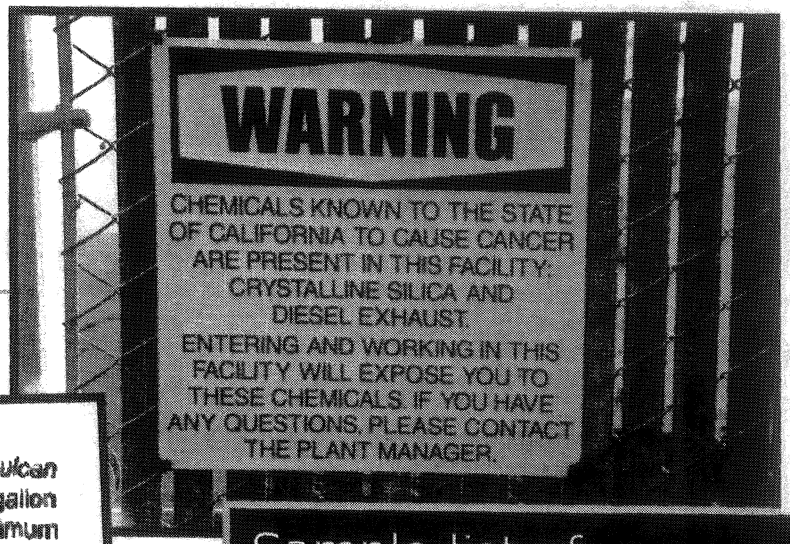
POOR MANAGEMENT

FAILURE TO IMPLEMENT PROPER BMPs

FAILURE TO SECURE PROPER PERMITS & LICENSING

# CONCRETE PLANTS

## USE & STORE DANGEROUS CHEMICALS & SUBSTANCES



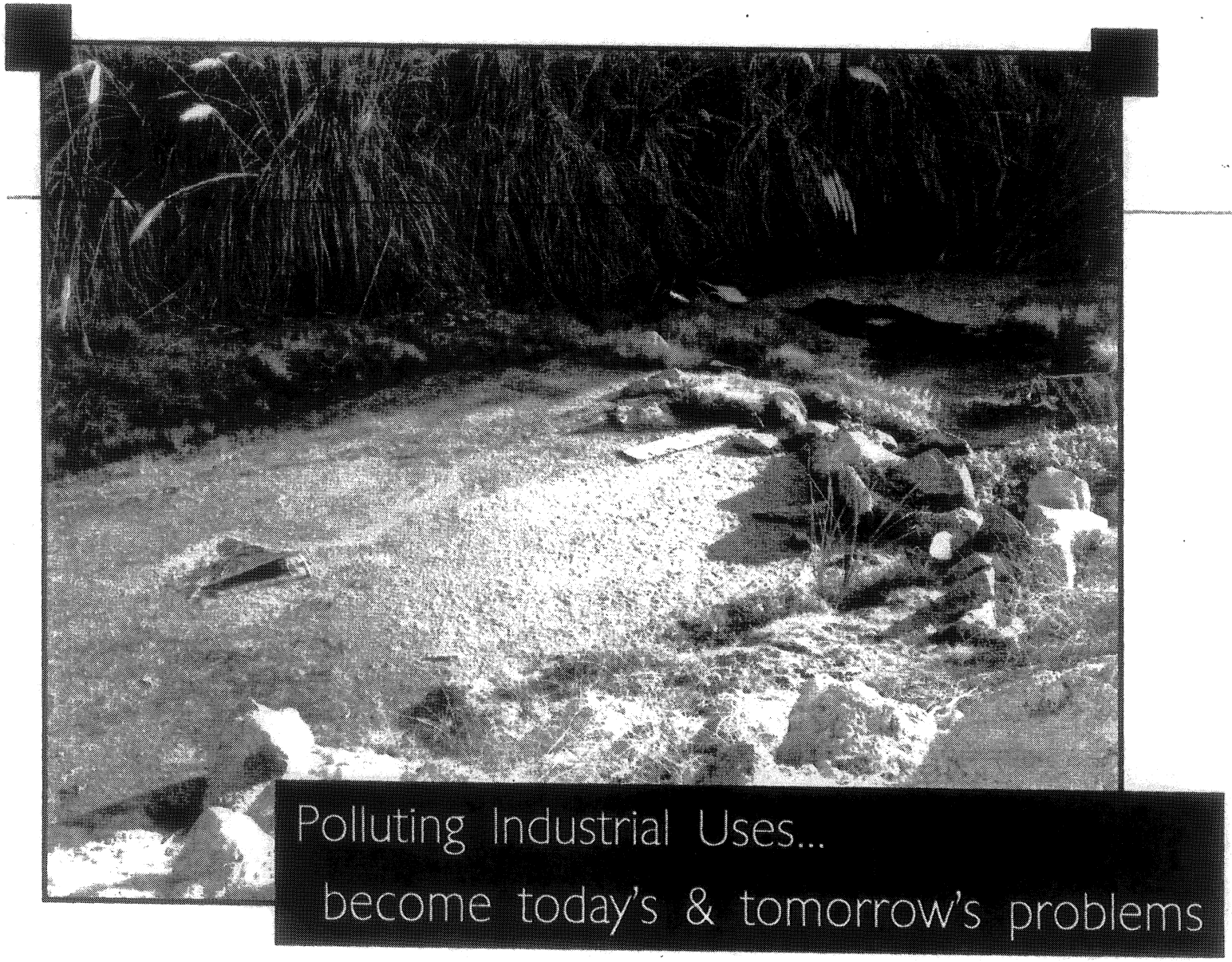

Records were also reviewed at the DEH for the adjacent property (*Palomar Transit Mix/Vulcan Materials*) to the east of the site, at 2925 Industry Street. It was indicated that one 500-gallon waste oil tank was removed in 1994 [8]. Permits [9] for the following chemicals, the maximum quantities allowed, and the storage medium were issued to this business and are listed below.

| [illegible] | [illegible] | [illegible] |
|---|---|---|
| Calcium Nitrite 20% | 1000-gallon | Aboveground storage tank |
| Calcium chloride Hico 92b | 1000-gallon | Aboveground storage tank |
| Color Designation & iron oxides | 10,000-lbs | Bag |
| Mixture Carapel-M | 55-gallon | Drum |
| Diesel fuel | 10,000-gallon | Aboveground storage tank |
| Mixture Dimethoxane recover | 500-gallon | Aboveground storage tank |
| Hydrochloric acid (used for vehicle wash) | 500-gallon | Aboveground storage tank |
| Lubricating oils | 500-gallon | Aboveground storage tank |
| Oxygen | 137-cft | Cylinder |
| Sodium hydroxide 2% Daravair | 500-gallon | Aboveground storage tank |
| Sodium O-phenylphenate 0.25% Darstard 17 | 1500-gallon | Aboveground storage tank |
| Trade secret Aces Flow | 1500-gallon | Aboveground storage tank |
| Trade secret Eclipse | 1500-gallon | Aboveground storage tank |
| Triethanolamine 20%, WRD A-64, Polyheed 997 | 1500-gallon | Aboveground storage tank |
| Truck wash (Sud-Z) | 55-gallon | Plastic drum |
| Waste oil & mixed oil | 500-gallon | Aboveground storage tank |

Sample list of chemicals/substances kept on site- also includes diesel fuel, crystal silica, fly ash, etc.

Numerous airborne contaminants such as benzene, carbon monoxide, arsenic & lead will be released into the air. (FMND PR37-39, letter "G")

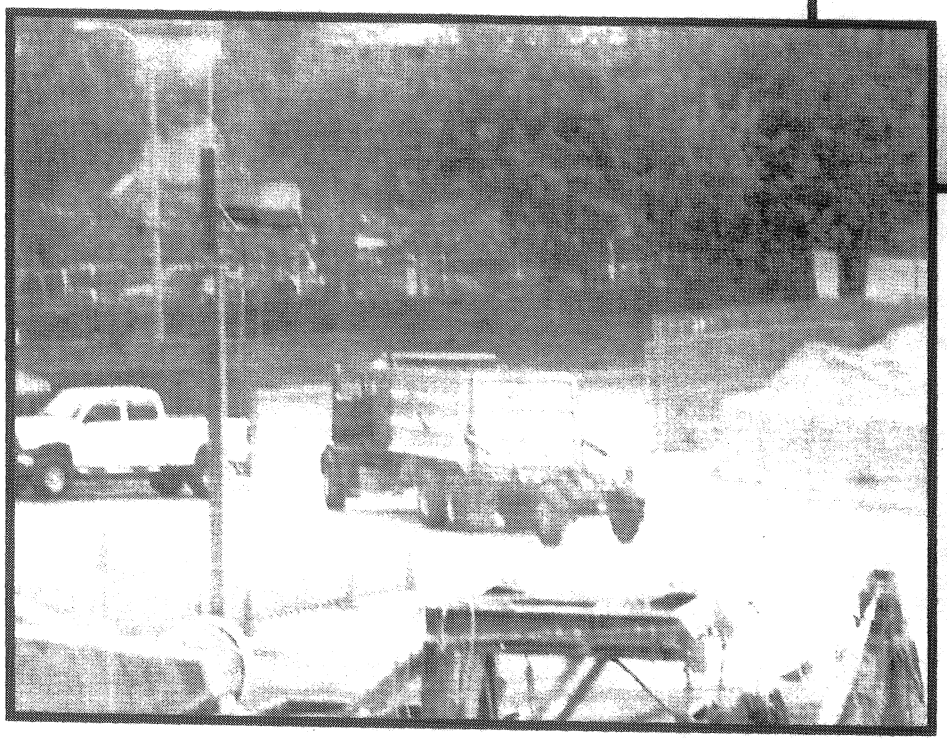
There will be minimal fencing around the site. Safe?

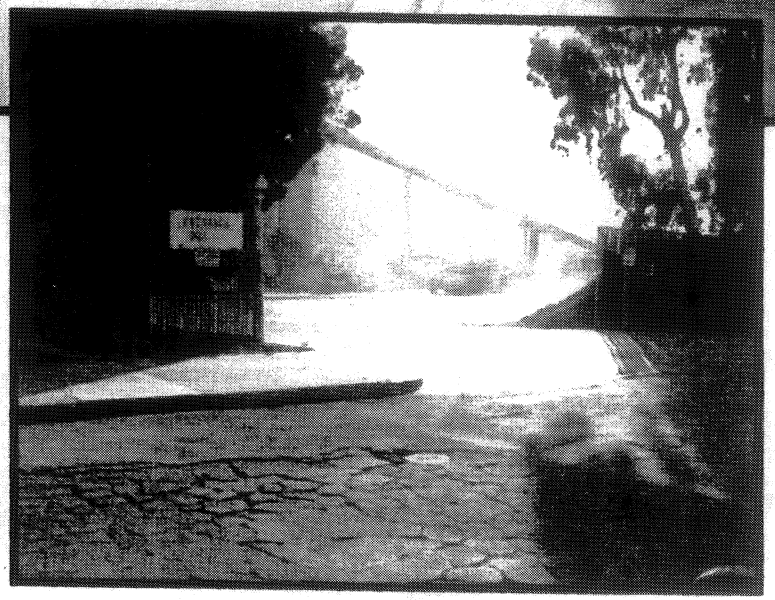



**<u>NOT</u> THE FUTURE THE CITIZENS DESERVE OR ENVISION**

# CONCRETE PLANTS ARE DUSTY

Robertsons - Irvine

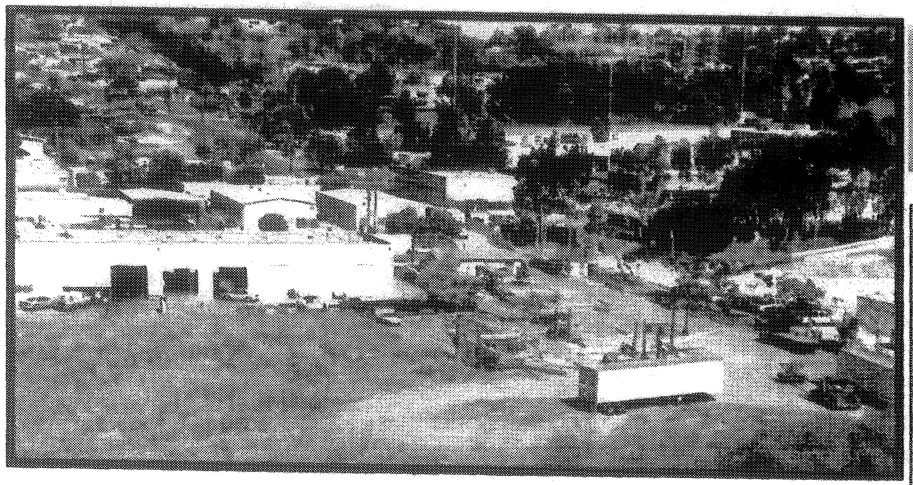




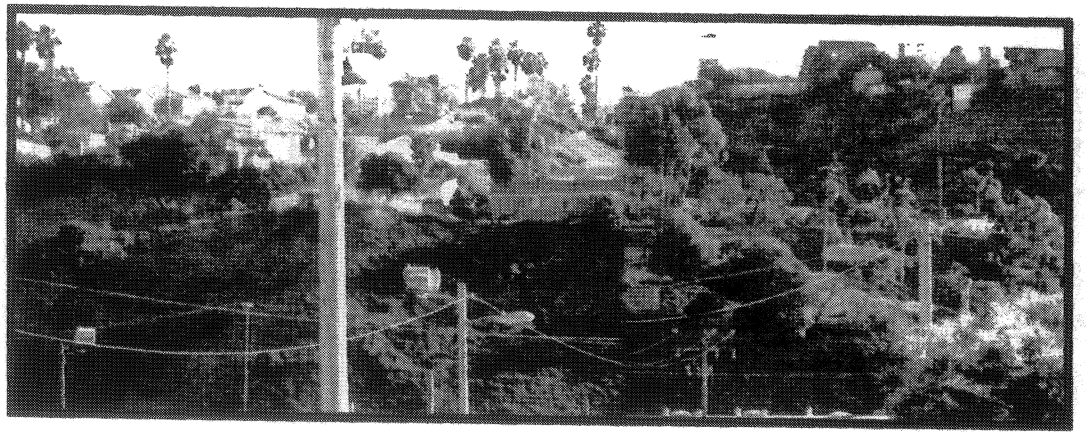
Vulcan/Palomar- Oceanside

# ROBERTSON'S CONCRETE PLANTS NOT COMPATIBLE

Robertsons- 6-8 massive stories Lake Forest Plant



View of site from homes on Skylark/Sorbonne- MasterTech on left is ~ 2 stories- Most building are single story. Robertsons will be 65' tall



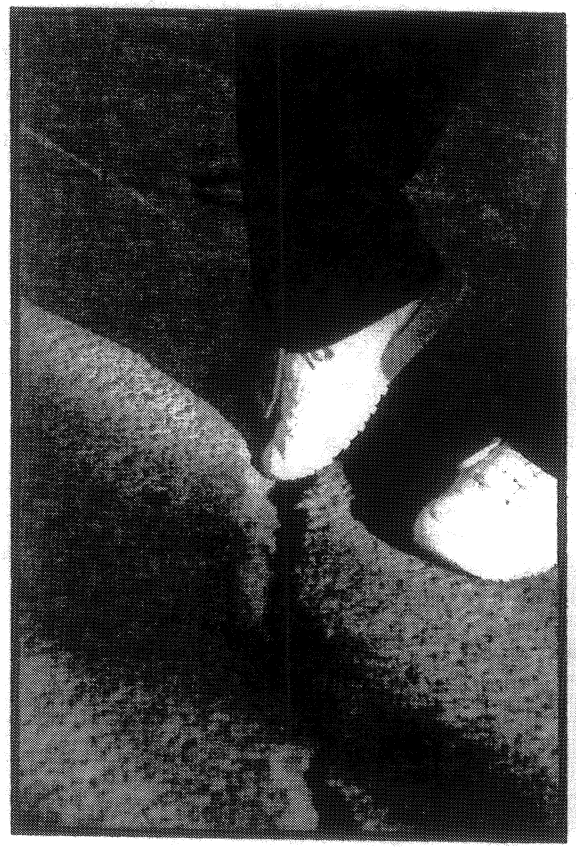
Hillside full of homes above site

Some < 300' away

Remember the contaminants that release into the air? Diesel fumes from idling trucks?

## CONCRETE PLANTS

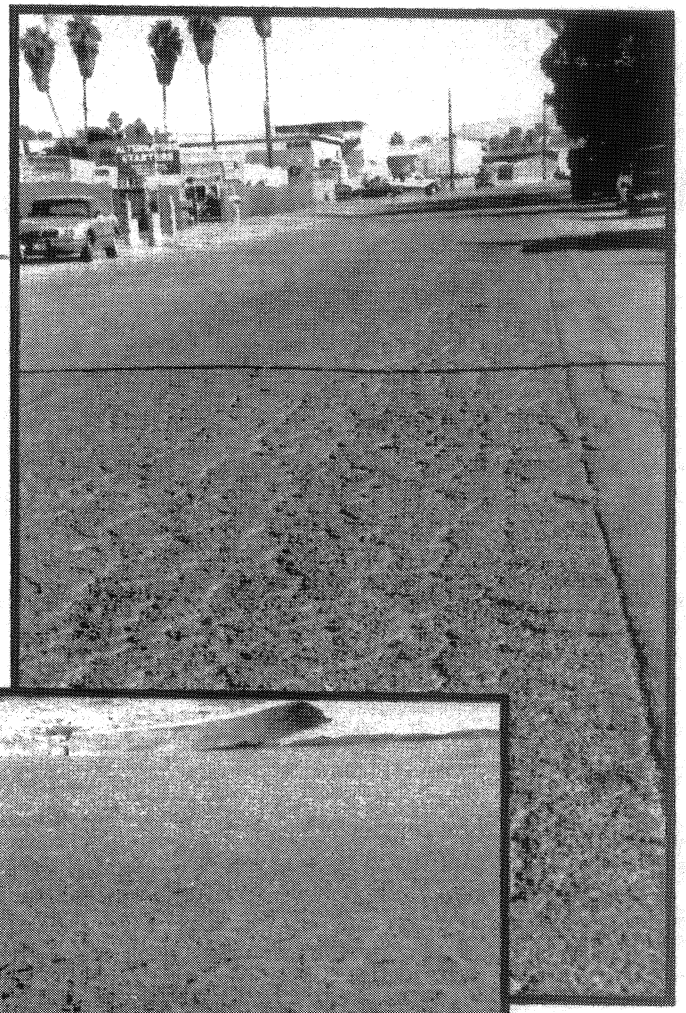
## HEAVY TRUCKS RUIN OUR ROADS



Very difficult to walk or ride a bike

Industry Street

Approx. $1 Million to Repair



Fully loaded concrete trucks / supply trucks can weigh as much as 80,000 lbs.

## CONCRETE PLANTS

## TRAFFIC SAFETY PROBLEMS

Crosses line in middle of street ON A DAILY BASIS

Crosses center line to avoid hitting bus on Oceanside Boulevard

Typical day on Industry -

Trucks parked both sides cause visibility problems & crossing center lines

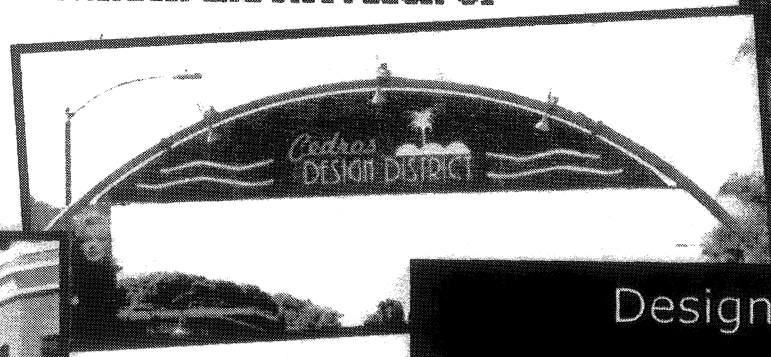
# ROBERTSON'S CONCRETE PLANT

# NOT COMPATIBLE WITH FUTURE PLANS - 1

Oceanside Boulevard Corridor Vision Plan – Principles

Adopted Unanimously by City Council, November 2007

Actively recruit new businesses that better fit with the physical, social, and environmental vision of the corridor, phasing out incompatible uses and providing incentives for retention and relocation of businesses. (4.4)



Design District

Art Colony

Mixed Use

Only limited by Imagination

# ROBERTSON'S CONCRETE PLANT

# NOT COMPATIBLE WITH FUTURE PLANS - 2

Oceanside Boulevard Corridor Plan – Principles

Adopted Unanimously by City Council, November 2007

Transform the Oceanside Boulevard corridor into a beautiful, vibrant, neighborhood friendly, and safe street that defines the character of our community. (4.5)

TRAILS HIKING WALKING LIVABLE BEAUTIFUL

Make the Loma Alta creek an integral part of the Oceanside Boulevard corridor plan: the core of an open space and trail system that connects the Oceanside Boulevard corridor area to the ocean. (4.1)

# CONCLUSION

**DENY THIS PROJECT**

(In the alternative- REQUIRE AN EIR)

PLAN FOR A HEALTHY ENVIRONMENT & QUALITY OF LIFE

TRAILS

HIKING

WALKABLE

LIVABLE

REVENUE BASED ON NEW IDEAS

BEAUTIFUL

# Contact Info:

Presentation By Community Members to Planning Commission
January 28, 2008
City of Oceanside
Robertson's Concrete Hearing

Text & Images by: *Nadine L. Scott*
*Attorney at Law*
550 Hoover St.
Oceanside CA 92054

Telephone: 760-757-6685
Email: nadia550@sbcglobal.net