AGENDA NO. 5

PLANNING COMMISSION **STAFF REPORT**

DATE: January 28, 2013 (Continued from the January 14, 2013 Planning Commission meeting)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D11-00007) AND CONDITIONAL USE PERMIT (CUP11-00013) TO ALLOW A REVISION TO AN EXISTING DEVELOPMENT PLAN (D-9-95), AND CONDITIONAL USE PERMIT (C-24-95) FOR THE INSTALLATION OF A COMPRESSED NATURAL GAS (CNG) FUELING FACILITY. THE 3.7-ACRE SITE IS LOCATED AT 2141 OCEANSIDE BOULEVARD, AND IS SITUATED WITHIN THE LOMA ALTA NEIGHBORHOOD – WASTE MANAGEMENT CNG FUELING FACILITY – APPLICANT: WASTE MANAGEMENT OF NORTH COUNTY**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Adopt a Mitigated Negative Declaration, with associated findings and a mitigation monitoring and reporting program for the Waste Management of North County CNG Fueling Facility, in light of the whole record that the project will not have a significant effect on the environment by adopting Planning Commission Resolution No. 2013-P01.

(2) Approve Development Plan (D11-00007) and Conditional Use Permit (CUP11-00013) by adopting Planning Commission Resolution No. 2013-P02 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On October 23, 1995 the Planning Commission adopted PC Resolution No. 95-P51 conditionally approving Development Plan (D-9-95) and Conditional Use Permit (C-24-95). The subject approval allowed for improvements and permitting of all three sites as denoted in the attached "Project Description and Justification." The three

subject sites are referred to as follows: Site No. 1 "Administration and Maintenance Facility" located at 2141 Oceanside Blvd., Site No. 2 "Waste Management System Pod and Storage Yard/Temporary Public Recycle Buy Back Area" located at 2403-B Industry St., and Site No. 3 "Recycling Yard and Public Buy-Back Center" located at 2880 Industry St.

In October of 1994, the Planning Commission approved Conditional Use Permit (C-5-94) allowing the relocation of Waste Management's recycling facility from 1440 S. Pacific Street to its current location at 2880 Industry Street. The approval was for a one year period.

Site Review: The subject 3.7-acre site is referred to as Site 1 and is currently operated as the Waste Management of North County Administration and Maintenance Facility. The project site is located on the south side of Oceanside Blvd., north of Loma Alta Creek with the Sprinter Line Railroad Tracks just beyond to the south. Primary access to the site has been established directly off the terminus of Industry Street. The site is fully developed as an Administration and Fleet Maintenance Facility, and the subject proposal is to make minor site modifications necessary to install a Compressed Natural Gas Fueling Facility and convert their trash hauling fleet from diesel fueled vehicles to CNG fueled vehicles. No other modifications to the previously approved Development Plan or Conditional Use Permit are proposed as part of this application.

The subject site is zoned IG (General Industrial) and has a General Plan Land Use Designation of GI (General Industrial). Major Utilities that involve refuse collection, transfer, recycling or disposal facilities are permitted within the (General Industrial) zone district subject to approval of a Conditional Use Permit. The proposal to install a CNG fueling facility and make minor site improvements in order to accommodate said CNG piping and fueling equipment can be accommodated on the existing site, subject to approval of a revision to the Development Plan (D-9-95) and Conditional Use Permit (C-24-95).

Surrounding land uses adjacent to the site include fully developed Industrial and some commercial type buildings and land uses to the north, east, and west, with Loma Alta Creek and the Sprinter Line to the south. Residential uses exist beyond the industrial and commercial corridor along Oceanside Blvd. to the north; as well as, to the south east.

Project Description: The application consists of a Development Plan (D11-00007) and Conditional Use Permit (CUP11-00013) as follows:

Development Plan (D11-00007) represents a request for the following:

(a) Addition of minor site improvements in the form of a new electrical transformer and gas compression equipment protected and screened via a 8'-0" black vinyl chain-link fence with black vinyl slats; as well as, re-striping, enhanced landscaping along the perimeter of Industry Street and the eastern portion of the

site, gas distribution piping below grade, and CNG time fill dispensers mounted on concrete K-rails or light post style bases. Minor interior modifications to the existing maintenance building are required to be implemented because of the use of CNG (i.e. Electrical Components, Building Ventilation, etc.)

Conditional Use Permit (CUP11-00013) represents a request for the following:

(a) The installation of CNG improvements necessary for converting the existing diesel trash hauling fleet to a CNG fleet. The Conditional Use Permit is necessary because the Waste Management operations are defined by the Oceanside Zoning Ordinance as a Major Utility Land Use and any modification to the operational characteristics requires that a revision to the original CUP be conducted. No other operational components beyond fuel system conversions are proposed as part of this application for the Waste Management Facility at 2141 Oceanside Blvd.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is GI (General Industrial). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element I

Goal 1.12 Land Use Compatibility

Objective: To minimize conflicts with adjacent or related land uses.

Policy B: The use of land shall not create a negative visual impact to surrounding land uses.

Policy C: The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions nor to exposure of toxic, radioactive, or other dangerous materials.

The proposed project for the installation of a Compressed Natural Gas (CNG) fueling facility in order to allow Waste Management of North County's trash hauling fleet to be converted from diesel fueled vehicles to cleaner CNG fueled vehicles within an existing General Industrial (IG) park is consistent with the intent of General Plan Land Use designation to allow heavy industrial type land uses in this area. The subject land use is classified as a Major Utility, which includes refuse collection, transfer, recycling or disposal facilities. Due to the fact that the existing facilities site improvements are being modified, revisions to the previously approved Development Plan (D-9-95) and Conditional Use Permit (C-24-95) are required.

In order to allow for the conversion from diesel to CNG, Waste Management will be required to bring natural gas to the site. SDG&E maintains a gas main below grade within Oceanside Blvd. and minor trenching to tie into said gas main will require new gas line be extended south in Industry Street to the project site. Extension of a gas line below grade will not introduce any new hazard to the general public beyond what exist in the area to date. Furthermore, all Federal, State, and County regulations relative to CNG will be applicable for the facility to function as a CNG Fueling Facility. The site is a secured site and perimeter fencing, along with enhanced landscaping along the east and northerly portions of the property will further eliminate any conflicts with persons working or transiting in the area. Additional safety precautions to be implemented include the addition of metal bollards and an 8'-0" high black vinyl coated chain link fence with black vinyl slats around the perimeter of the new CNG equipment area.

The proposed project site is surrounded by industrial and commercial type land uses and is not immediately adjacent to any residential uses or other sensitive receptor type land uses. In order to further ensure that the fueling facility change out from diesel to CNG does not conflict with adjacent land uses, the overall project design is proposing to install new state of the art CNG compressors situated within a self-contained, weatherproof compressor enclosure. The subject enclosure will also incorporate inlet and discharge silencers; as well as, the fan discharge to the top to further attenuate sound.

Staff has determined that the proposal to install a CNG fuel facility in order to convert the existing trash hauling fleet from diesel to CNG will further enhance the ongoing operations through the introduction of a cleaner more environmentally friendly fuel system. Ultimately, the transition to CNG will result in the lowering of vehicle emissions throughout the City of Oceanside and the North San Diego County region.

B. Land Use Element II

Objective 2.1 Industrial Development: To promote industries which are consistent with community enhancement and provide stable tax bases and a balance of employment opportunities.

Policy A: Industrially designated lands shall be devoted to industrial uses for the preservation of the City's economic future, employment opportunities, and general welfare.

Policy C: Ancillary commercial, office, and recreational uses may be permitted when clearly oriented to support the industrial development and serve its population.

The proposed Major Utility land use and proposed CNG fueling facility is consistent with the uses originally envisioned under the City's General Plan. The subject fueling facility will operate consistent with the project originally approved hours-of-operation and will maintain the current job base associated with the Waste Management Operations. It is anticipated that the proposed change over to CNG will benefit the City of Oceanside through lower fuel costs and ultimately cost savings to the residents of Oceanside.

2. Zoning Ordinance Compliance

Article 13, Section 1320 and 1330

Section 1320 of the Oceanside Zoning Ordinance permits the establishment and operation of a Major Utility, which includes refuse collection, transfer, recycling or disposal facilities in the underlying General Industrial (IG) zoning district, subject to approval of a conditional use permit. As conditioned, the project site will be in substantial compliance with the development standards set forth in Section 1330 of the zoning ordinance, including but not limited to parking, screening, and landscaping provisions. No variances are required as part of the proposed project. Perimeter fencing is allowed as per the OZO Article 30 Section 3040 "Fences and Walls" up to a maximum height of 8'-0". In order to minimize visual impacts of the chain link fencing, the project will implement a black vinyl coated chain link fence with black vinyl slats woven within the fence material. To further screen the perimeter fencing and soften the appearance of the existing facility, the applicant is proposing to plant vegetation along the easterly property fence. Immediately adjacent to Industry Street, the applicant is also proposing a plant palette of Pineapple Guava, Day Lilly, and Red Kangaroo Paw (Common Name).

Subject to implementation of an Operations Management Plan (contained within the projects Description and Justification) for the site and in accordance with the approved hours of operation established through Conditional Use Permit (C-24-95), the proposed fuel facility conversion from diesel to CNG will not have any adverse direct impacts to adjacent businesses or persons working or transiting in the area for other goods and services. Furthermore, conversion of the existing trash hauling fleet from diesel to CNG and the use of more efficient modern type engines will further reduce noise and air quality impacts typically associated with larger diesel engines. In conclusion, not only will the proposed project provide a more sustainable and environmentally sensitive fueled fleet, but will further enhance the quality of life of all residents through better air quality and reduced noise levels as trash hauling services are provided throughout the community.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Industrial General (IG)	General Industrial (IG)	Waste Management Maintenance Facility (Major Utility)
North of Subject Property	Industrial General (IG)	General Industrial (IG)	Social Service Offices
East of Subject Property:	Industrial General (IG)	General Industrial (IG)	Machinery Shop
South of Subject Property:	Industrial General (IG)	General Industrial (IG)	Loma Alta Creek/ Sprinter Line With Residential Upslope and Beyond
West of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Self Storage Facility

DISCUSSION

Issue: Project Compatibility with the Existing Developed Areas:

The conversion from diesel fuel to CNG fuel that involves only minor site modifications necessary to bring CNG on-site and develop fill stations is compatible with the goals and objectives of the General Plan for land use compatibility and the original vision for General Industrial land uses along Industry St. and Oceanside Blvd. The subject site is located within the City's designated heavy industrial area and surrounding properties are established with similar industrial and commercial type developments and land uses. The fuel facility conversion from diesel to CNG is minor in nature and coupled with enhanced perimeter fencing and landscaping, conflicts between the general public and the maintenance/ fueling site operations would be significantly reduced.

The proposed project would be an important part of the City's ability to provide trash hauling and recycling services for the residents of Oceanside at a reasonable cost. The subject conversion to CNG would not add jobs, but would maintain the current level of job opportunities for residents of the City of Oceanside.

Recommendation: Staff finds that the overall design of the project is compatible with the existing developed area and would be consistent with the original intent of the General Industrial land use vision of the City's General Plan. Approximately 3 persons contacted staff voicing concerns or opposition to the project. Staff supports the project as submitted by the applicant, subject to conditions of approval contained within the draft resolution and as originally conditioned through Planning Commission Resolution No. 95-P51.

ENVIRONMENTAL DETERMINATION

A Mitigated Negative Declaration (MND) has been prepared stating that if the mitigation measures identified in the Mitigation Monitoring and Reporting Program are implemented, there will not be a significant adverse impact upon the environment. Under the provisions of the California Environmental Quality Act, the Planning Commission will consider the Mitigated Negative Declaration during its hearing on the project.

The original draft MND was circulated for public review from March 29, 2012 to April 30, 2012. Two comment letters were received during the MND public review period (1) from The Friend of Loma Alta Creek and (2) from The Department of Toxic Substance Control. All comments received on the document have been included in the Final MND with appropriate responses to those comments being provided as well.

Staff is recommending that the Planning Commission move to adopt the Final MND, subject to implementation of Mitigation Measures identified within the Initial Study.

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives. The 1,500-foot radius notification was maintained and not lowered to a 300' radius because the application was originally submitted and noticed based upon previously established notification requirements.

SUMMARY

The proposed Development Plan (D11-00007) and Conditional Use Permit (CUP11-0028), as designed and conditioned, are consistent with the requirements of the Zoning Ordinance, and the land use policies of the General Plan. The project has been designed and conditioned to meet or exceed all applicable development standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

(1) Adopt a Mitigated Negative Declaration, with associated findings and a mitigation monitoring and reporting program for the Waste Management of North County CNG Fueling Facility, in light of the whole record that the project will not have a significant effect on the environment by adopting Planning Commission Resolution No. 2013-P01.

(2) Approve Development Plan (D11-00007) and Conditional Use Permit (CUP11-00013) by adopting Planning Commission Resolution No. 2013-P02 with findings and conditions of approval attached herein.

PREPARED BY:

Richard Greenbauer
Senior Planner

SUBMITTED BY:

Marisa Lundstedt
City Planner

ML/RG/fil

Attachments:

1. Site Plan and Elevations
2. Planning Commission Resolution No. 2013-P01
3. Planning Commission Resolution No. 2013-P02
4. Planning Commission Resolution No. 95-P51
5. CNG Compressor Specification Sheets
6. E-Mail Comment Dated 1/9/13 from FOLAC and City's Response to Comments
7. USD Law Clinic Comments Dated 1/11/13 and City's Response to Comments
8. Eilar Noise Monitoring for FOLAC Dated Received 1/11/13 and the Applicant's Evaluation and Response to the Noise Monitoring Report

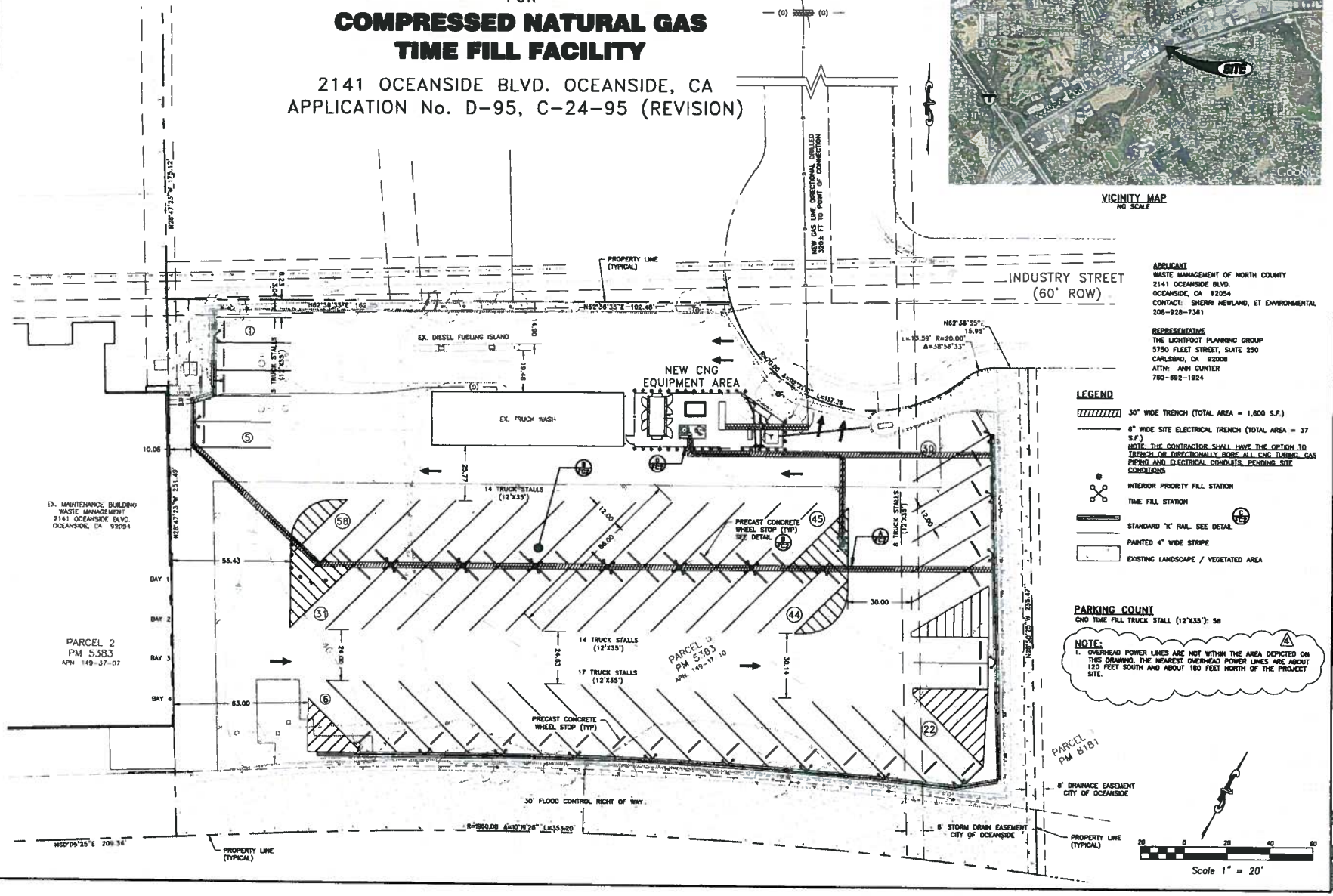
PRELIMINARY SITE PLANS

FOR

COMPRESSED NATURAL GAS TIME FILL FACILITY

2141 OCEANSIDE BLVD. OCEANSIDE, CA
APPLICATION No. D-95, C-24-95 (REVISION)

VICINITY MAP
NO SCALE



Scale 1" = 20'

APPLICANT
WASTE MANAGEMENT OF NORTH COUNTY
2141 OCEANSIDE BLVD.
OCEANSIDE, CA 92054
CONTACT: SHERRI NEWLAND, ET ENVIRONMENTAL
208-928-7381

REPRESENTATIVE
THE LIGHTFOOT PLANNING GROUP
5750 FLEET STREET, SUITE 250
CARLSBAD, CA 92008
ATTN: ANN GUNTER
760-692-1824

LEGEND

- 30" WIDE TRENCH (TOTAL AREA = 1,600 S.F.)
- 6" WIDE SITE ELECTRICAL TRENCH (TOTAL AREA = 37 S.F.)
  NOTE: THE CONTRACTOR SHALL HAVE THE OPTION TO TRENCH OR DIRECTIONALLY BORE ALL CNG TUBING, GAS PIPING AND ELECTRICAL CONDUITS, PENDING SITE CONDITIONS
- INTERIOR PRIORITY FILL STATION
- TIME FILL STATION
- STANDARD "K" RAIL. SEE DETAIL
- PAINTED 4" WIDE STRIPE
- EXISTING LANDSCAPE / VEGETATED AREA

PARKING COUNT
CNG TIME FILL TRUCK STALL (12'X35'): 58

NOTE:
1. OVERHEAD POWER LINES ARE NOT WITHIN THE AREA DEPICTED ON THIS DRAWING. THE NEAREST OVERHEAD POWER LINES ARE ABOUT 120 FEET SOUTH AND ABOUT 180 FEET NORTH OF THE PROJECT SITE.

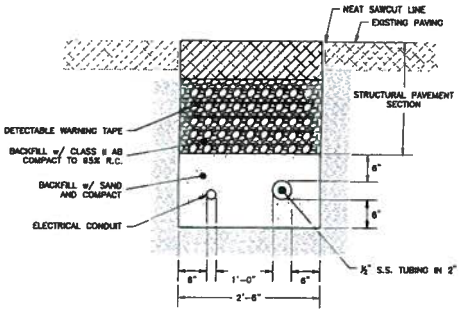
ET Environmental
CONSULTANT: CSA
SEAL: REGISTERED PROFESSIONAL ENGINEER — RODNEY A. SHERRY — No. 61537 — EXP. 06/30/13 CIVIL — STATE OF CALIFORNIA
CLIENT: WM

DIMENSIONED SITE PLAN
OCEANSIDE CNG
WASTE MANAGEMENT NORTH COUNTY
2141 OCEANSIDE BLVD.
OCEANSIDE, CA 92054

REVISIONS: SET ISSUE:	DATE:
1 OFFSITE TRNCH	8.10.11
2 OFFSITE GAS	2.29.12
3 PLAN CHECK 1	4.20.12
4 PLAN CHECK 2	8.15.12

DATE: 07-01-2011
PROJECT #: CSA 11105
DRAWN BY: RAS
CHECKED BY:
APPROVED BY:
FILENAME:

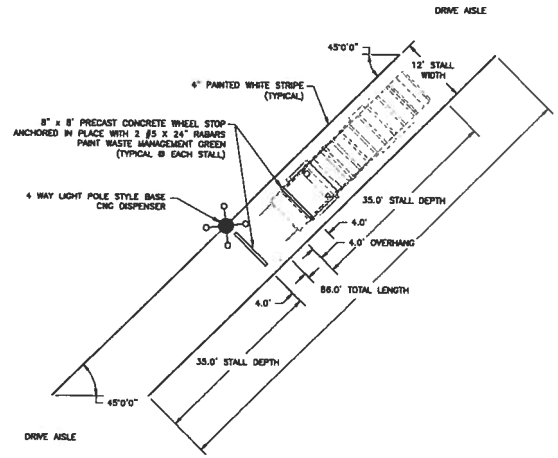
FC-1



A FC2 TYPICAL TRENCH SECTION

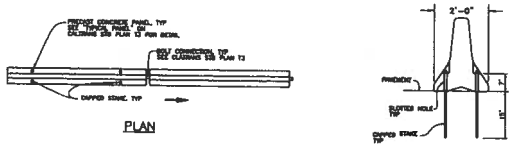
NTS

NOTE: THE CONTRACTOR SHALL HAVE THE OPTION TO TRENCH OR DIRECTIONALLY BORE ALL CNG TUBING, GAS PIPING AND ELECTRICAL CONDUITS, PENDING SITE CONDITIONS



B FC2 TYPICAL 45° PARKING STALL

1"=10'

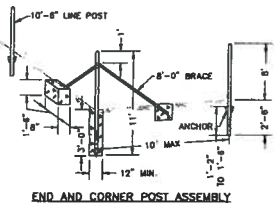


PLAN

SECTION I–I

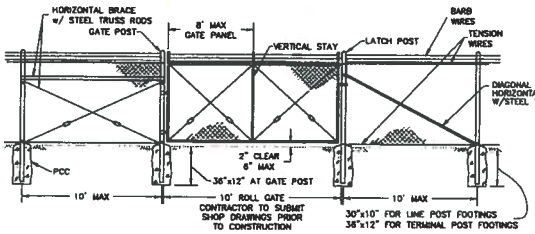
C FC2 TYPICAL 'K' RAIL BARRIER

NTS



END AND CORNER POST ASSEMBLY

TYPICAL FRAMEWORK SHOWING NUMBER OF BAYS IN GATE



CHAIN LINK GATE INSTALLATION

NOTES

FENCES WILL BE CONSTRUCTED USING:

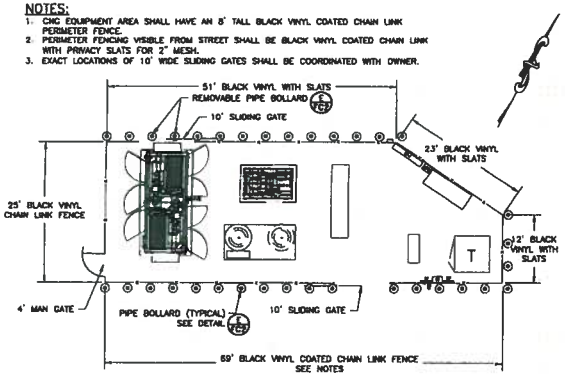
1. 3" O.D. MINIMUM, END AND TERMINAL POSTS, SCHEDULE 40 GALVANIZED PIPE, PAINTED BLACK OR POWDER COATED.
2. 2½" O.D. MINIMUM, LINE POSTS, SCHEDULE 40 GALVANIZED PIPE, PAINTED BLACK OR POWDER COATED, SPACED ON 10' CENTERS.
3. SUPPLIER TO IDENTIFY RECOMMENDED POST SIZES AND FOOTINGS FOR EACH GATE.
4. 7 GAUGE GALVANIZED COIL-SPRING TENSION WIRE ON TOP AND BOTTOM ATTACHED ON 24" O.C.
5. THE FABRIC WILL BE 2" MESH, 9 GAUGE, CLASS 1 HOT DIP GALVANIZED STEEL, BLACK VINYL COATED.
6. LINE POLE FOOTINGS WILL BE 30"x10" DIAMETER CONCRETE.
7. TERMINAL POSTS FOOTINGS WILL BE 36"x12" DIAMETER CONCRETE.
8. TERMINAL AND GATE POSTS TO BE BRACED TO THE NEAREST LINE POST WITH 1⅝" O.D. SCHEDULE 40 GALVANIZED BRACE RAIL AND ⅜" GALVANIZED TRUSS ROD ASSEMBLY.

GATES:

1. GATE FRAMES TO BE FULLY WELDED GALVANIZED PIPE, PAINTED BLACK. SLIDE TO HAVE 2½" O.D. TOP AND BOTTOM RAILS, 2" O.D. VERTICAL MEMBERS AND 1⅝" O.D. BRACES. SLIDES TO BE INSTALLED WITH 4" CAST ROLLERS. SWING GATES TO HAVE 2" O.D. VERTICAL MEMBERS AND 1⅝" O.D. HORIZONTALS. GATE FABRIC TO BE SAME AS FENCE FABRIC.
2. SWING GATES TO BE CONSTRUCTED WITH INDUSTRIAL OFFSET HINGES.
3. ALL GATES TO BE FITTED WITH LOCKING DEVICES CAPABLE OF RECEIVING OWNER SUPPLIED PADLOCKS.
4. GATES SHOULD BE DESIGNED FOR NO MORE THAN 2" GROUND CLEARANCE.

NOTES:

1. CNG EQUIPMENT AREA SHALL HAVE AN 8' TALL BLACK VINYL COATED CHAIN LINK PERIMETER FENCE.
2. PERIMETER FENCING VISIBLE FROM STREET SHALL BE BLACK VINYL COATED CHAIN LINK WITH PRIVACY SLATS FOR 2" MESH.
3. EXACT LOCATIONS OF 10' WIDE SLIDING GATES SHALL BE COORDINATED WITH OWNER.

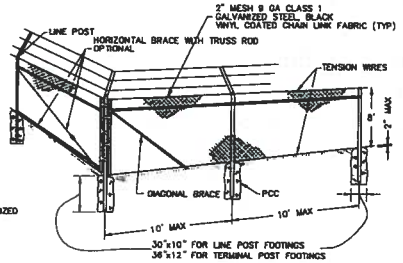


PLAN

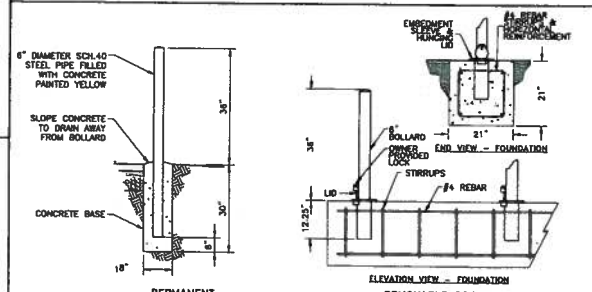
1"=10'

NOTES:

1. PROVIDE 3 STRANDS OF TWISTED 12.5 GAUGE WIRE WITH 4-POINT, 14 GAUGE BARBS SPACED APPROXIMATELY 5" APART.
2. SUPPORT ARMS AT AN ANGLE OF 45° FROM VERTICLE, FACING OUT, WITH CLIPS ATTACHING 3 STRANDS OF BARBED WIRE TO EACH SUPPORT ARM AND SUFFICIENT STRENGTH TO SUPPORT 200-LB. WEIGHT APPLIED AT THE OUTER STRAND.



FENCE CORNER ASSEMBLY

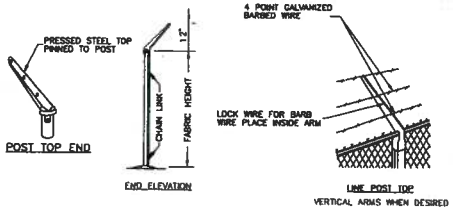


PERMANENT

REMOVABLE POST

E FC2 PIPE BOLLARD DETAILS

NTS



BARBED WIRE POST TOP

D FC2 CNG EQUIPMENT PERIMETER FENCE

NTS

ET

CONSULTANT:

CSA

SEAL:

REGISTERED PROFESSIONAL ENGINEER RODNEY A. SWEANY No. 61537 EXP. 08/31/13 CIVIL STATE OF CALIFORNIA

CLIENT:

WM

DETAILS

OCEANSIDE CNG

WASTE MANAGEMENT NORTH COUNTY

2141 OCEANSIDE BLVD.
OCEANSIDE, CA 92054

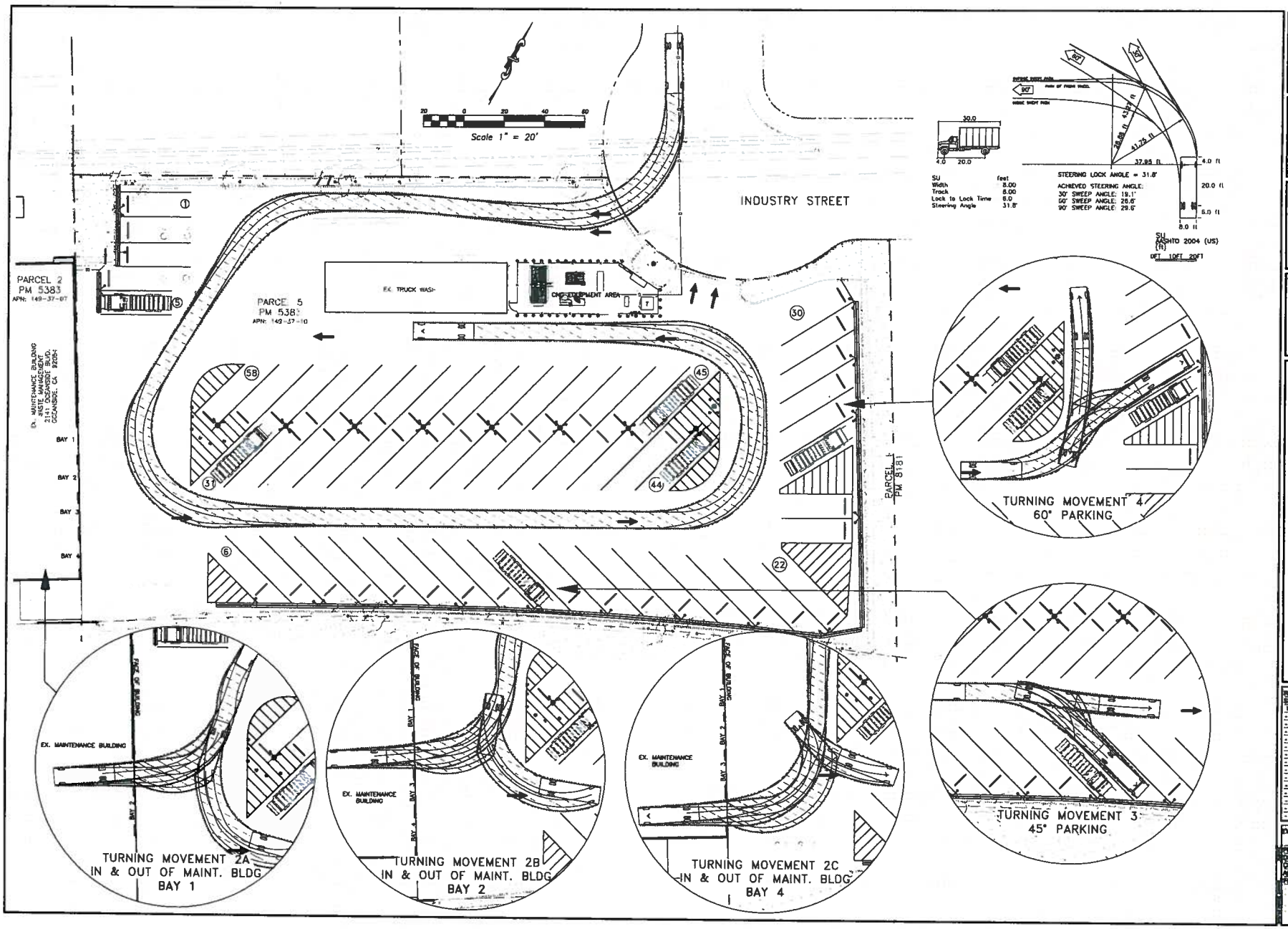
REVISIONS:

SET ISSUE:	DATE:
1 PLAN CHECK	4.20.12

DATE: 07-01-2011

PROJECT #: CSA 11106
DRAWN BY: RAR
CHECKED BY:
APPROVED BY:
FILENAME:

FC-2



ET

CONSULTANT:
ESA

SEAL:
REGISTERED PROFESSIONAL ENGINEER
RANDEY A. SHILEY
No. 61537
EXP. 06/30/13
CIVIL
STATE OF CALIFORNIA

CLIENT:
WM

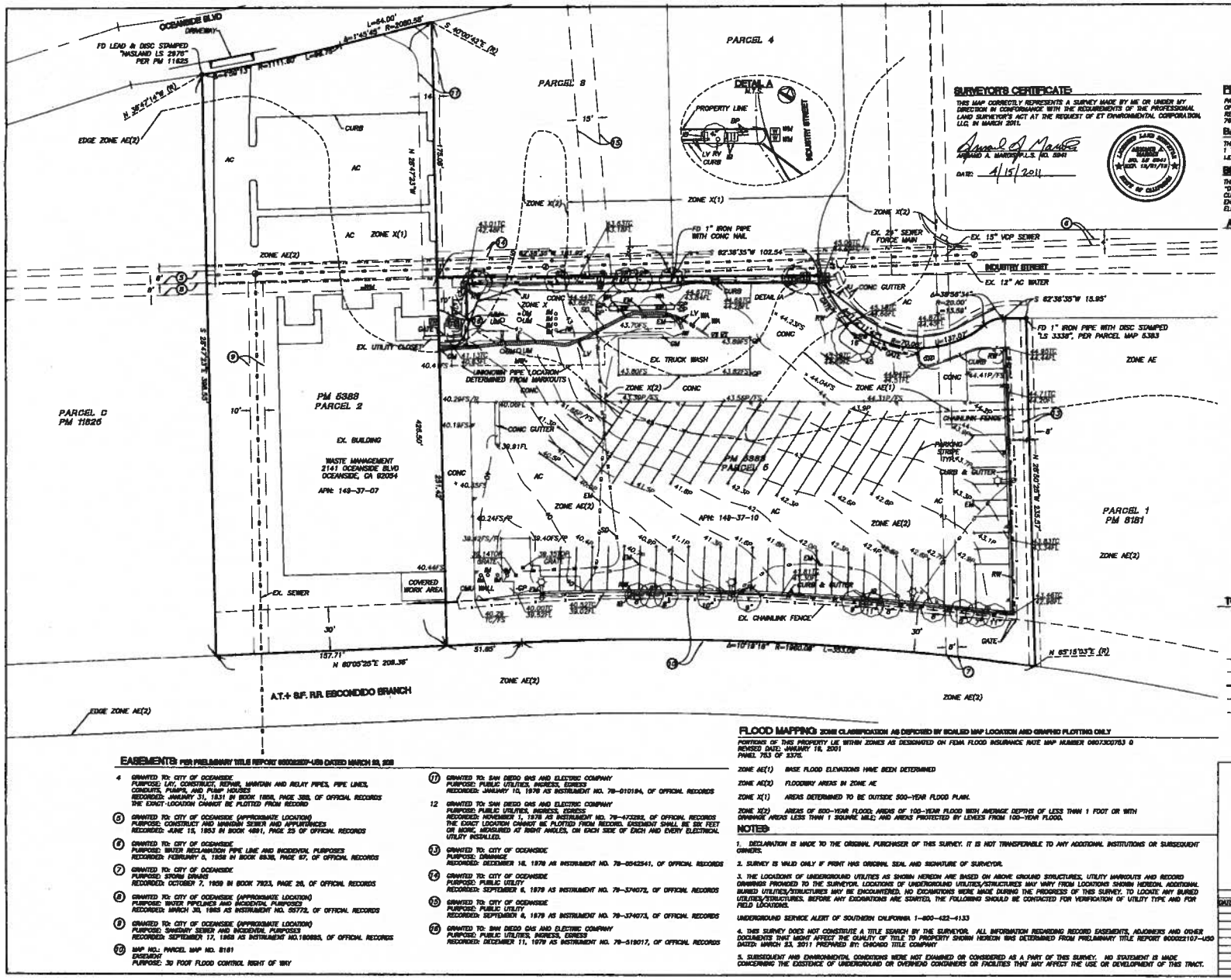
TRUCK TURNING ANALYSIS
OCEANSIDE CNG
WASTE MANAGEMENT NORTH COUNTY
2141 OCEANSIDE BLVD.
OCEANSIDE, CA 92054

REVISIONS: SET ISSUE:	DATE:
1 PLAN CHECK	4.20.12

DATE: 07-01-2011

PROJECT #: ESA 11195
DRAWN BY: RAS
CHECKED BY:
APPROVED BY:
FILENAME:

FC-3



SURVEYOR'S CERTIFICATE:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF ET ENVIRONMENTAL CORPORATION, LLC, IN MARCH 2011.

ARNOLD A. MARSHALL P.L.S. NO. 5941

DATE: 4/15/2011

PROPERTY DESCRIPTION

PARCELS 2 AND 5 OF PARCEL MAP NO. 5383, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 13, 1978 AS INSTRUMENT NO. 78-618153, OF OFFICIAL RECORDS.

BASIS OF BEARINGS

THE BASES OF BEARINGS FOR THIS SURVEY IS THE NORTHWESTERLY LINE OF PARCELS 1 THRU 4 AS SHOWN ON PARCEL MAP NO. 8181.
I.E. N 62°38'35" E.

BENCHMARK

THE BENCHMARK FOR THIS PROJECT IS THE CITY OF OCEANSIDE BENCHMARK NO. "D-11". A CHISELED SQUARE ON TOP OF CURB, LOCATED AT THE NORTHWESTERLY CURB RETURN OF OCEANSIDE BOULEVARD AND HOOVER STREET AT THE EASTERLY END OF RETURN, WEST SIDE OF AN EXISTING CATCH BASIN.
ELEVATION = 48.594 NGVD 29

ABBREVIATION LEGEND

AC	EXISTING ASPHALT
CONC	EXISTING CONCRETE
BP	EXISTING BACKFLOW PREVENTER
EM	EXISTING ELECTRIC LINE LOCATED FROM MARKOUTS
EX.	EXISTING
FD	FOUND
FL	FLOW LINE
FP	EXISTING FUEL PUMP
FS	EXISTING FINISH SURFACE ELEVATION
GM	EXISTING GAS LINE LOCATED FROM MARKOUTS
GP	EXISTING GUARD POST
IB	EXISTING IRRIGATION BOX
IM	EXISTING INTERCEPTOR MANHOLE
IW	EXISTING INDUSTRIAL WASTE LINE LOCATED FROM MARKOUTS
JU	JOINT UTILITY TRENCH LOCATED FROM MARKOUTS
LV	EXISTING LOW VOLTAGE DUCT BANK LOCATED FROM MARKOUTS
MW	EXISTING MONITOR WELL
P	PAVEMENT ELEVATION
RV	EXISTING RECLAIMED WATER VALVE
RW	EXISTING RECLAIMED WATER LINE LOCATED FROM MARKOUTS
SD	EXISTING STORM DRAIN LOCATED FROM MARKOUTS
TC	EXISTING TOP OF CURB
TR	EXISTING TRANSFORMER
UM	EXISTING MANHOLE (TYPE UNKNOWN)
VT	EXISTING VAULT
WA	EXISTING WATER LINE LOCATED FROM MARKOUTS
WM	EXISTING WATER METER

TOPOGRAPHY + BOUNDARY LEGEND

- FD MONUMENT AS NOTED
- LIGHT
- EXISTING FIRE HYDRANT
- FEMA ZONE
- CENTERLINE
- BOUNDARY
- 15 CONTOUR
- EXISTING EDGE OF CONCRETE
- PLOTTED EASEMENT PER PRELIMINARY TITLE REPORT
- EXISTING TREE

EASEMENTS: PER PRELIMINARY TITLE REPORT 6000228107-USO DATED MARCH 08, 2011

4 GRANTED TO: CITY OF OCEANSIDE
PURPOSE: LAY, CONSTRUCT, REPAIR, MAINTAIN AND RELAY PIPES, PIPE LINES, CONDUITS, PUMPS, AND PUMP HOUSES
RECORDED: JANUARY 31, 1931 IN BOOK 1858, PAGE 388, OF OFFICIAL RECORDS
THE EXACT LOCATION CANNOT BE PLOTTED FROM RECORD

5 GRANTED TO: CITY OF OCEANSIDE (APPROXIMATE LOCATION)
PURPOSE: CONSTRUCT AND MAINTAIN SEWER AND APPURTENANCES
RECORDED: JUNE 15, 1953 IN BOOK 4891, PAGE 23 OF OFFICIAL RECORDS

6 GRANTED TO: CITY OF OCEANSIDE
PURPOSE: WATER RECLAMATION PIPE LINE AND INCIDENTAL PURPOSES
RECORDED: FEBRUARY 6, 1958 IN BOOK 6838, PAGE 67, OF OFFICIAL RECORDS

7 GRANTED TO: CITY OF OCEANSIDE
PURPOSE: STORM DRAIN
RECORDED: OCTOBER 7, 1959 IN BOOK 7923, PAGE 28, OF OFFICIAL RECORDS

8 GRANTED TO: CITY OF OCEANSIDE (APPROXIMATE LOCATION)
PURPOSE: WATER PIPELINES AND INCIDENTAL PURPOSES
RECORDED: MARCH 30, 1965 AS INSTRUMENT NO. 59772, OF OFFICIAL RECORDS

9 GRANTED TO: CITY OF OCEANSIDE (APPROXIMATE LOCATION)
PURPOSE: SANITARY SEWER AND INCIDENTAL PURPOSES
RECORDED: SEPTEMBER 17, 1968 AS INSTRUMENT NO.180885, OF OFFICIAL RECORDS

10 MAP NO.: PARCEL MAP NO. 8181
EASEMENT
PURPOSE: 30 FOOT FLOOD CONTROL RIGHT OF WAY

11 GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY
PURPOSE: PUBLIC UTILITIES, INGRESS, EGRESS
RECORDED: JANUARY 10, 1978 AS INSTRUMENT NO. 78-010194, OF OFFICIAL RECORDS

12 GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY
PURPOSE: PUBLIC UTILITIES, INGRESS, EGRESS
RECORDED: NOVEMBER 1, 1978 AS INSTRUMENT NO. 78-472283, OF OFFICIAL RECORDS
THE EXACT LOCATION CANNOT BE PLOTTED FROM RECORD. EASEMENT SHALL BE SIX FEET OR MORE, MEASURED AT RIGHT ANGLES, ON EACH SIDE OF EACH AND EVERY ELECTRICAL UTILITY INSTALLED.

13 GRANTED TO: CITY OF OCEANSIDE
PURPOSE: DRAINAGE
RECORDED: DECEMBER 18, 1978 AS INSTRUMENT NO. 78-542541, OF OFFICIAL RECORDS

14 GRANTED TO: CITY OF OCEANSIDE
PURPOSE: PUBLIC UTILITY
RECORDED: SEPTEMBER 6, 1979 AS INSTRUMENT NO. 79-374072, OF OFFICIAL RECORDS

15 GRANTED TO: CITY OF OCEANSIDE
PURPOSE: PUBLIC UTILITY
RECORDED: SEPTEMBER 6, 1979 AS INSTRUMENT NO. 79-374073, OF OFFICIAL RECORDS

16 GRANTED TO: SAN DIEGO GAS AND ELECTRIC COMPANY
PURPOSE: PUBLIC UTILITIES, INGRESS, EGRESS
RECORDED: DECEMBER 11, 1979 AS INSTRUMENT NO. 79-519017, OF OFFICIAL RECORDS

FLOOD MAPPING: ZONE CLASSIFICATION AS DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY

PORTIONS OF THIS PROPERTY LIE WITHIN ZONES AS DESIGNATED ON FEMA FLOOD INSURANCE RATE MAP NUMBER 06073C0753 G
REVISED DATE: JANUARY 16, 2001
PANEL 753 OF 2376.

ZONE AE(1) BASE FLOOD ELEVATIONS HAVE BEEN DETERMINED

ZONE AE(2) FLOODWAY AREAS IN ZONE AE

ZONE X(1) AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN.

ZONE X(2) AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD.

NOTES:

1. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THIS SURVEY. IT IS NOT TRANSFERABLE TO ANY ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

2. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

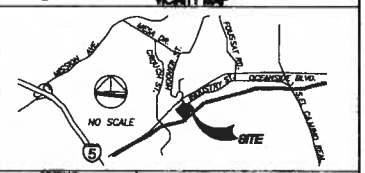
3. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES, UTILITY MARKOUTS AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY. TO LOCATE ANY BURIED UTILITIES/STRUCTURES, BEFORE ANY EXCAVATIONS ARE STARTED, THE FOLLOWING SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA 1-800-422-4133

4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO PROPERTY SHOWN HEREON WAS DETERMINED FROM PRELIMINARY TITLE REPORT 6000228107-USO DATED: MARCH 23, 2011 PREPARED BY: CHICAGO TITLE COMPANY

5. SUBSEQUENT AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.

VICINITY MAP



REVISIONS	
DATE	DESCRIPTION

bHA, Inc.
land planning, civil engineering, surveying
5115 Avenida Encinas
Suite L
Carlsbad, California 92008-4387
(760) 931-8700

W.O. 802-1074-100

Date: X:\SURVEY\DATA\1074\SURV-BASE-1074.dwg

LANDSCAPE CONCEPT PLAN

Waste Management
CNG Fueling

GENERAL NOTES:
THIS CONCEPTUAL LANDSCAPE PLAN DIAGRAMMATICALLY SHOWS PLACEMENT OF PROPOSED PROJECT LANDSCAPING. FINAL LANDSCAPE PLANS SHALL ACCURATELY IDENTIFY AND SHOW PLACEMENT OF TREES, SHRUBS AND GROUND COVERS.
THE LANDSCAPE ARCHITECT IS AWARE OF THE CITY OF OCEANSIDE POLICY WHICH PROHIBITS TREES AND STRUCTURES IN UTILITY EASEMENTS AND HAS CONCEPTUALLY DESIGNED THE PROJECT LANDSCAPE AND RESPECTIVE HARDSCAPE IN ACCORDANCE WITH THIS REQUIREMENT. ALL PERTINENT UTILITY EASEMENTS ARE DELINEATED ON THE PRELIMINARY CIVIL ENGINEERING SITE PLAN INFORMATION. THE FINAL LANDSCAPE PLAN SHALL SHOW ALL EASEMENTS THAT MAY AFFECT FINAL PLACEMENT OF PROJECT TREES AND SHRUBS, BASED ON THE EASEMENT AND UTILITY INFORMATION RECEIVED FROM THE PROJECT ENGINEER. ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER, UNLESS NOTED OTHERWISE. LANDSCAPE AREAS SHALL BE MAINTAINED PER THE CITY OF OCEANSIDE REQUIREMENTS.

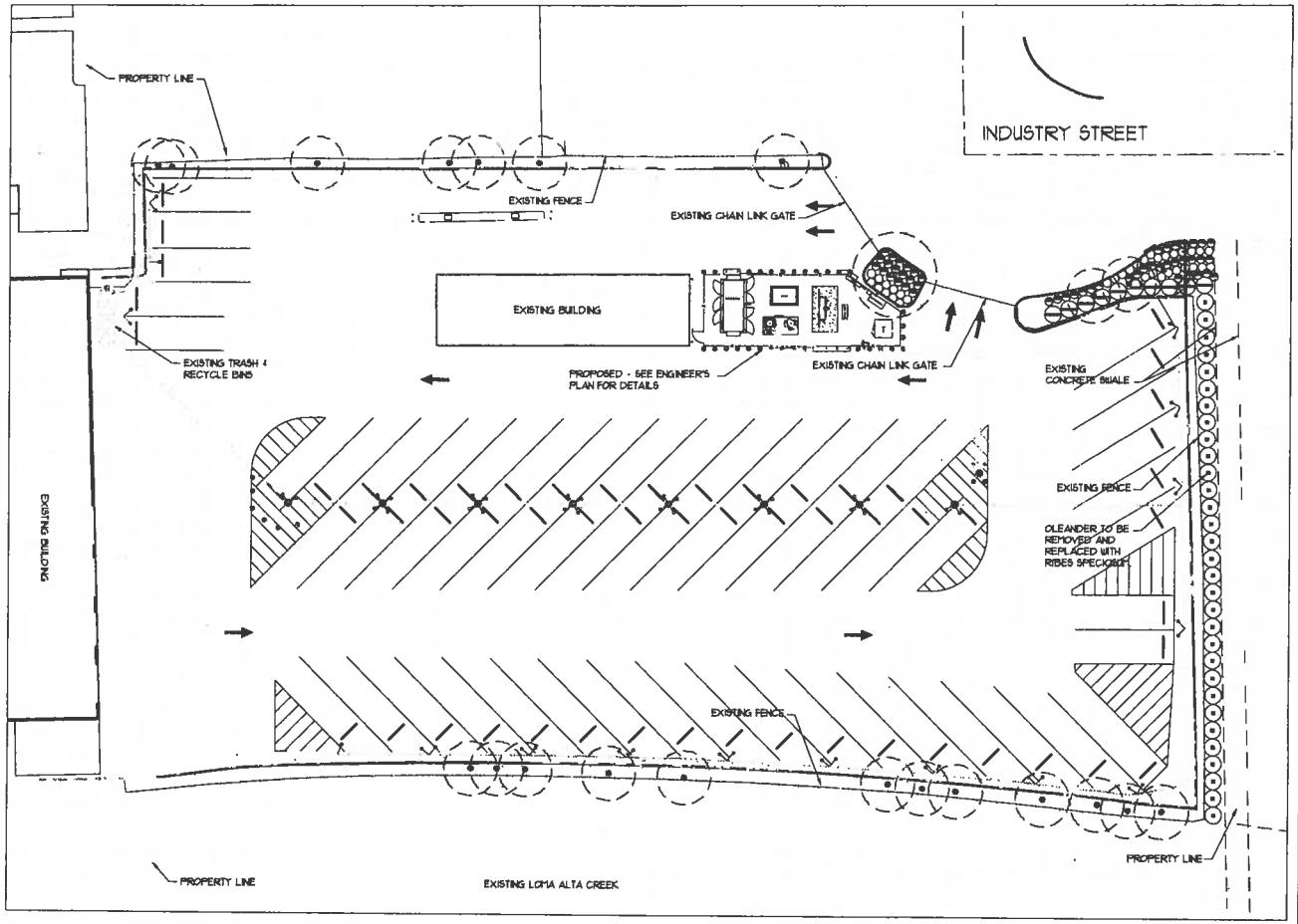
IRRIGATION NOTES: AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AS REQUIRED TO PROVIDE COVERAGE FOR PLANTING AREAS SHOWN ON THE PLAN. LOW PRECIPITATION EQUIPMENT SHALL PROVIDE SUFFICIENT WATER FOR PLANT GROWTH WITH A MINIMUM WATER LOSS DUE TO WATER RUN-OFF. IRRIGATION SYSTEMS SHALL USE HIGH QUALITY, AUTOMATIC CONTROL VALVES, TIMERS AND OTHER NECESSARY EQUIPMENT FOR PROPER COVERAGE. CONTROLLER SHALL BE 'SMART' CONTROLLER. ALL COMPONENTS SHALL BE OF NON-CORROSIVE MATERIAL AND ANY DRIP SYSTEMS SHALL BE ADEQUATELY FILTERED AND REGULATED PER THE MANUFACTURER GUIDELINES. CLASS 315 PRESSURE OR SCHEDULE 40 MAINLINE SHALL BE BURIED TO A MINIMUM DEPTH OF 18". PVC LATERAL LINES SHALL BE BURIED 12" MINIMUM BELOW FINISH GRADE. ALL MAINLINE SHALL BE INSTALLED PER MANUFACTURER GUIDELINES, SPECIFICATIONS, AND ADHERE TO CODES AND GUIDELINES. ALL LANDSCAPE AND IRRIGATION IMPROVEMENTS SHALL BE INSTALLED PER THE PROVISIONS OF THE CITY OF OCEANSIDE WATER CONSERVATION ORDINANCE SECTION 3019, THE CITY OF OCEANSIDE LANDSCAPE DESIGN GUIDELINES AND SHALL BE CONSISTENT WITH CURRENT STORMWATER BMP'S.

PLANTING NOTES:
THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL, AESTHETIC, ENVIRONMENTAL SENSITIVITY AND MAINTENANCE CONSIDERATIONS. ALL PLANTING AREAS SHALL BE PREPARED WITH APPROPRIATE SOIL AMENDMENTS, FERTILIZERS, AND SUPPLEMENTS BASED UPON THE AGRICULTURAL SOILS ANALYSIS REPORT FROM SOIL SAMPLE TAKEN FROM THE SITE. GROUND COVERS OR BARK MULCH SHALL FILL IN BETWEEN THE SHRUBS TO PROTECT THE SOIL FROM EXCESSIVE SOLAR EXPOSURE, EVAPOTRANSPIRATION AND SURFACE WATER RUNOFF. ALL PLANTING AREAS SHALL BE MULCHED TO A DEPTH OF 3" TO HELP CONSERVE WATER, LOWER THE SOIL TEMPERATURE AND REDUCE WEED GROWTH. SHRUBS SHALL BE ALLOWED TO GROW INTO THEIR NATURAL FORMS WITHOUT SHEARING UNLESS TOPIARY FORMS ARE A DESIGN ELEMENT OR REQUESTED BY OWNER. ALL LANDSCAPE IMPROVEMENTS SHALL CONFORM TO THE CURRENT CITY OF OCEANSIDE GUIDELINES.

ALL PLANTER AREAS SHALL RECEIVE A 3" LAYER OF ORGANIC MULCH.

NO NEW TREES ARE PROPOSED.

EASEMENTS:
THE PROJECT LANDSCAPE ARCHITECT IS AWARE OF THE CITY OF OCEANSIDE POLICY WHICH PROHIBITS TREES AND PERMANENT STRUCTURES IN UTILITY EASEMENTS AND HAS DESIGNED THE PROJECT LANDSCAPE IN ACCORDANCE WITH THIS REQUIREMENT, BASED ON THE EASEMENT INFORMATION RECEIVED FROM THE PROJECT ENGINEER OF WORK. THE PROJECT LANDSCAPE ARCHITECT HAS VERIFIED THAT THESE PLANS MEET THE REQUIREMENTS OF SAID POLICY.



CONCEPTUAL PLANT LEGEND

SHRUBS (AREAS TO RECEIVE 3" DEPTH ORGANIC MULCH)

SYM	BOTANICAL NAME / VARIETY	COMMON NAME	SIZE / SPACING
○	ANIGOZANTHOS 'BUSH DEVIL'	RED KANGAROO PAW	1 GAL. / 3' O.C.
⊖	FEIJOA SELLOWIANA	PINEAPPLE GUAVA	5 GAL. / 6' O.C.
◓	HEMEROCALLIS HYBRID	DAYLILY	1 GAL. / 3' O.C.
◉	RIBES SPECIOSUM	FUCHSIA FLOWERING GOOSEBERRY	15 GAL. / 6' O.C.

EXISTING LANDSCAPE

	EXISTING TREE - PROTECT IN PLACE. NO TREES SHALL BE REMOVED
	EXISTING LANDSCAPE - PROTECT IN PLACE

THE LIGHTFOOT PLANNING GROUP
PLANNING
SITE DESIGN
LANDSCAPE ARCHITECTURE
5750 FLEET STREET, STE 250
CARLSBAD, CA 92008
(760) 602-1924
FAX (760) 602-1935
LIGHTFOOT@LIGHTFOOTPLAN.COM

Waste Management
CNG Fueling
Oceanside, CA

Scale: 1"=20'-0"
Date: 8/6/12
Drawn By: ET
Revisions:

Landscape Concept Plan

Job # 807.032

L-1

1

807.032 Waste Management CNG Fueling LCP

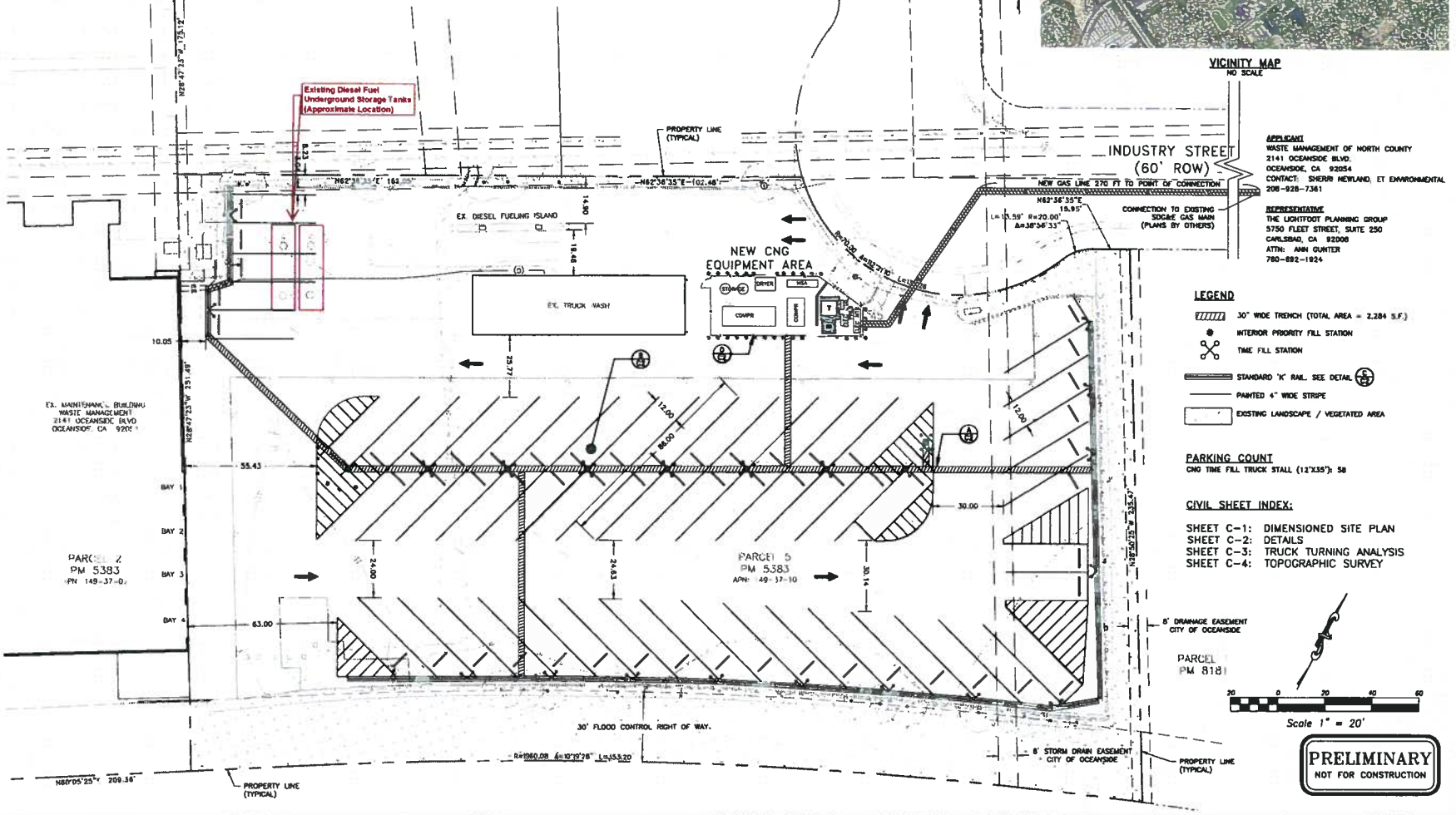
PRELIMINARY SITE PLANS

FOR

COMPRESSED NATURAL GAS TIME FILL FACILITY

2141 OCEANSIDE BLVD. OCEANSIDE, CA
APPLICATION No. D-95, C-24-95 (REVISION)

VICINITY MAP
NO SCALE



APPLICANT
WASTE MANAGEMENT OF NORTH COUNTY
2141 OCEANSIDE BLVD.
OCEANSIDE, CA 92054
CONTACT: SHERRI NEWLAND, ET ENVIRONMENTAL
208-928-7361

REPRESENTATIVE
THE LIGHTFOOT PLANNING GROUP
5750 FLEET STREET, SUITE 250
CARLSBAD, CA 92008
ATTN: ANN GUNTER
760-692-1924

LEGEND

- 30" WIDE TRENCH (TOTAL AREA = 2,284 S.F.)
- INTERIOR PRIORITY FILL STATION
- TIME FILL STATION
- STANDARD 'K' RAIL, SEE DETAIL
- PAINTED 4" WIDE STRIPE
- EXISTING LANDSCAPE / VEGETATED AREA

PARKING COUNT
CNG TIME FILL TRUCK STALL (12'X35'): 58

CIVIL SHEET INDEX:

SHEET C-1: DIMENSIONED SITE PLAN
SHEET C-2: DETAILS
SHEET C-3: TRUCK TURNING ANALYSIS
SHEET C-4: TOPOGRAPHIC SURVEY

PRELIMINARY
NOT FOR CONSTRUCTION

ET
CONSULTANT: CSA
SEAL: REGISTERED PROFESSIONAL ENGINEER — ROBERT A. SWEARY — No. 61537 — EXP. 06/30/13 CIVIL — STATE OF CALIFORNIA
CLIENT: WM WASTE MANAGEMENT

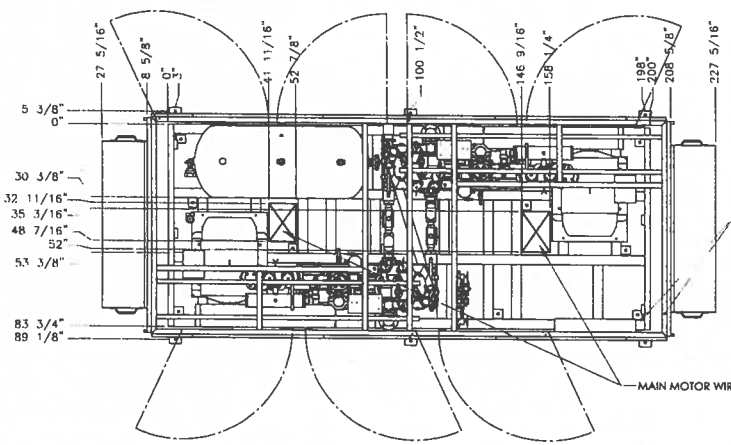
DIMENSIONED SITE PLAN
OCEANSIDE CNG
WASTE MANAGEMENT NORTH COUNTY
2141 OCEANSIDE BLVD.
OCEANSIDE, CA 92054

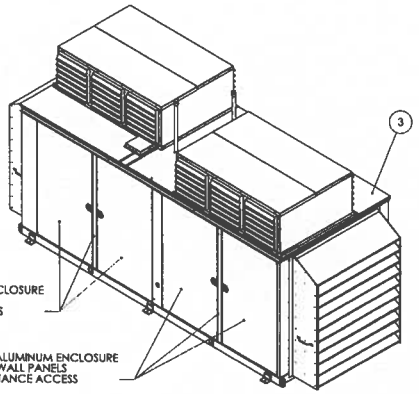
REVISIONS: SET ISSUE:	DATE:
10FT SITE, TRNCH	8.10.11

DATE: 07-01-2011
PROJECT #:
DRAWN BY: RAB
CHECKED BY:
APPROVED BY:
FILENAME:

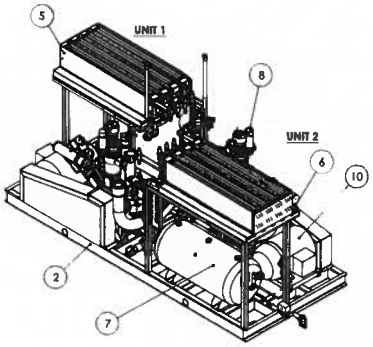
C-1

REVISION HISTORY					
REV.	DATE	BY	CK.	DCR#	REFERENCE
A	2012/06/14	JSJ	ERL	N/A	INITIAL RELEASE

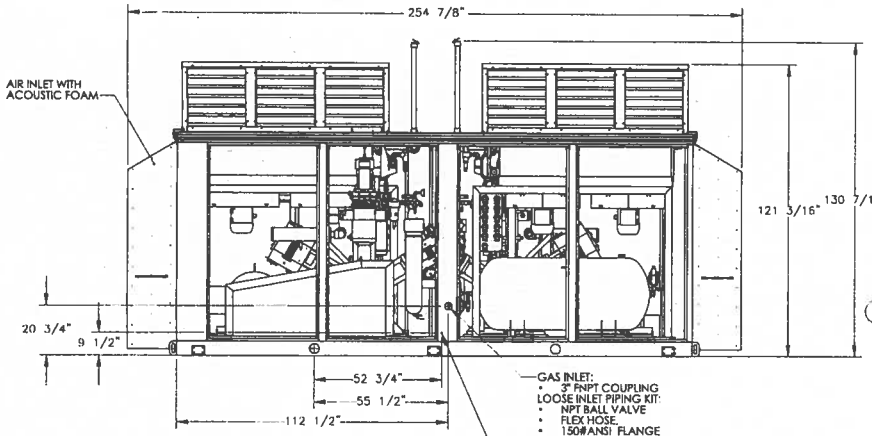




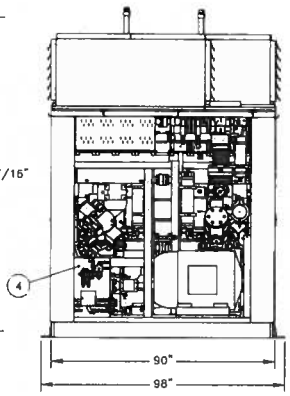
ISOMETRIC VIEW



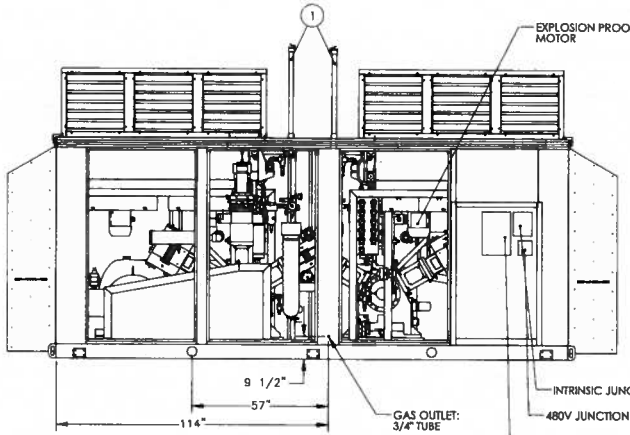
ISOMETRIC VIEW, ENCLOSURE HIDDEN



FRONT VIEW, DOORS REMOVED



LEFT VIEW, LOUVER REMOVED



REAR VIEW, DOORS REMOVED

ITEM	QTY.	PART NUMBER	DESCRIPTION
1	2	203399-00	VENT ASSEMBLY - IMW50 & ALPHA3
2	1	206121	SKID WELDMENT
3	1	206125	ENCLOSURE ASM TWIN IMW50 90IN WIDE
4	1	208123	CONTROL PANEL ATEX C1D2 BSOL 6000PSIG
5	1	210528	COOLER SUBASSEMBLY 4STG TWIN U1
6	1	210529	COOLER SUBASSEMBLY 4STG TWIN U2
7	1	210538	REC TANK SUBASM HORIZ 200GAL 200PSIG
8	2	210540	CBA SUBASSEMBLY
9	1	210583	INLET PIPING MTWIN 3.0 - 3.0SF
10	2	-	MOTOR 44ST & SLIDE BASE

NOTES:
1. THE LOCATION OF THIS EQUIPMENT IS NOT NECESSARILY AS DEPICTED. THIS DRAWING IS NOT AN EXACT SPECIFICATION TO THOSE ASSEMBLING THE PACKAGE.
2. THE LOCATIONS GIVEN FOR THE ELECTRICAL AND GAS CONNECTIONS ARE APPROXIMATE ONLY.
3. COMPRESSOR MUST BE LOCATED ON A FLAT AND LEVEL CONCRETE FOUNDATION AS SPECIFIED IN THE INSTALLATION SECTION OF THE USER MANUAL.
4. ANCHOR BRACKETS ARE PROVIDED TO SECURE SKID TO ITS FOUNDATIONS. IMW RECOMMENDS THAT ALL ANCHORS BE SET WITH THE EQUIPMENT IN PLACE. IMW ALSO RECOMMENDS THE USE OF "HILTI" ANCHORS. DETAILS OF WHICH WILL BE PROVIDED UPON REQUEST. IMW DOES NOT ACCEPT ANY LIABILITY FOR ALTERNATIVE FASTENING METHODS OR THE THE QUALITY OR SUITABILITY OF THE FOUNDATION.
5. REMOVE LIFTING PINS BEFORE BOLTING DOWN SKID AND ENCLOSURE AND INSTALL SUPPLIED ANCHOR BRACKETS.
6. TO ENSURE ADEQUATE AIR MOVEMENT, NO WALL SHOULD BE CLOSER THAN TEN FEET FROM THE AIR INLETS OR OUTLETS SHOWN.
7. ELECTRICAL CLASSIFICATION INSIDE THE ENCLOSURE IS CLASS I, DIV 2, GROUP D.
8. ELECTRICAL CLASSIFICATION OUTSIDE THE ENCLOSURE UP TO 15 FEET IS CLASS I, DIV 2, GROUP D.

TWIN IMW50-8000DA-150-4500-4AC

	D	240389	A

PLANNING COMMISSION
RESOLUTION NO. 2013-P01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ISTALLATION OF A COMPRESSED NATURAL GAS FUELING FACILITY ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: D11-00007 and CUP11-00013 a revision to D-9-95 and C-24-95
APPLICANT: Waste Management of North County
LOCATION: 2141 Oceanside Blvd.

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan and Conditional Use Permit revision under the provisions of Articles 13, 30, 40, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

installation of a compressed natural gas (CNG) fueling facility at the Waste Management of North County Administration and Fleet Maintenance Facility in order to allow for the conversion of the existing trash hauling fleet from diesel to CNG. Installation of the CNG fueling facility will require the addition of a new electrical transformer and gas compression equipment protected and screened via an 8'-0" black vinyl chain-link fence with black vinyl slats. The facility will also include gas distribution piping below grade with time fill dispensers mounted on concrete K-rails or light post style bases and located on a 3.7-acre site which is fully developed as a Trash Hauling Fleet Maintenance Facility. No modifications to the currently approved hours-of-operation are proposed as part of this application submittal;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 3rd day of December, 2012 took action to continue the public hearing to January 14, 2013 to consider said application.

WHEREAS, the Planning Commission, after giving the required notice, did on the 14th day of January, 2013 conduct a duly advertised public hearing as prescribed by law to consider the content of the Mitigated Negative declaration and the Mitigation Monitoring and Reporting program; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto, an Initial Study and Mitigated Negative Declaration have been prepared stating that if the mitigation measures identified within the Initial Study are implemented there will not be an adverse impact upon the environment;

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

FINDINGS:

1. The Mitigated Negative Declaration together with all comments received, and Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the conditions of approval for the project, were presented to the Planning Commission, and the Planning Commission reviewed and considered the information contained in these documents prior to making a decision on the project.

2. 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 Planning Commission. On the basis of the entire record before it, the Planning Commission 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby adopt the Mitigated Negative Declaration and the mitigation measures provided therein and incorporated as conditions of approval, as follows:

//////////////

//////////////

//////////////

//////////////

//////////////

//////////////

Environmental:

1. Removal of non-native oleander bushes shall occur outside of the bird breeding season (February 1 through August 31). If it is not feasible to remove this ornamental vegetation outside of the breeding season, a preconstruction nesting bird survey shall be conducted by a qualified wildlife biologist no more than three days prior to removal activity. If active nests are detected, removal of the bushes shall be postponed until the young have fledged and the biologist determines that the nest(s) is/are no longer active. The survey results shall be submitted to the Oceanside Planning Division.
2. Prior to grading, the applicant will obtain approval of a site-specific Erosion Control Plan from the City Planning Division. This plan will include a list of best management practices that the contractor will use to ensure that temporarily exposed soils do not enter the on-site drainage system thereby ensuring existing water quality treatment systems and standards applicable to the site remain intact throughout construction.

//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////
//////////////

3. During the construction period, standard BMPs such as proper storage, use and disposal of construction material shall be applied to ensure that all hazardous materials (i.e., construction equipment fuels, oils, etc.) are stored properly and that no hazards occur during this phase of the project. In addition, the project shall provide protection of all storm drain inlets downstream of the construction site to eliminate entry of hazardous substances off-site. Continual inspection and maintenance of all BMPs shall occur throughout the duration of the construction phase.

PASSED AND ADOPTED Resolution No. 2013-P01 on January 30, 2013 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Marisa Lundstedt, Secretary

I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2013-P01.

Dated: January 30, 2013

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

_____ _____

Applicant/Representative Date

PLANNING COMMISSION
RESOLUTION NO. 2013-P02

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

APPLICATION NO: D11-00007 and CUP11-00013 a revision to D-9-95 and C-24-95
APPLICANT: Waste Management of North County
LOCATION: 2141 Oceanside Blvd.

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan and Conditional Use Permit revision under the provisions of Articles 13, 30, 40, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

installation of a compressed natural gas (CNG) fueling facility at the Waste Management of North County Administration and Fleet Maintenance Facility in order to allow for the conversion of the existing trash hauling fleet from diesel to CNG. Installation of the CNG fueling facility will require the addition of a new electrical transformer and gas compression equipment protected and screened via an 8'-0" black vinyl chain-link fence with black vinyl slats. The facility will also include gas distribution piping below grade with time fill dispensers mounted on concrete K-rails or light post style bases and located on a 3.7-acre site which is fully developed as a Trash Hauling Fleet Maintenance Facility. No modifications to the currently approved hours-of-operation are proposed as part of this application submittal;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 3rd day of December, 2012 took action to continue the public hearing to January 14, 2013 to consider said application.

WHEREAS, the Planning Commission, after giving the required notice, did on the 14th day of January, 2013 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; a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment;

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

WHEREAS, there is hereby imposed on the subject development projects 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 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	$0.713 per square foot or $713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	$.42 per square foot non-residential for Oceanside
Traffic Signal Fee	Ordinance No. 87-19 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 Resolution No. 06-R0334-1	$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0092-1	Fee based on water meter size. Non-residential is $36,775 for a 2" meter. + $430
Wastewater System Buy-in Fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1	Based on capacity or water meter size. Non-residential is $50,501 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. + $863

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;

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

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

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

FINDINGS:

For the Development Plan:

1. The proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which the site is located because the development plan proposal for the installation of a compressed natural gas (CNG) fueling facility that includes the addition of a new electrical transformer and gas compression equipment protected and screened via a 8'-0" chain-link fence with vinyl slats, along with gas distribution piping below grade and time fill dispensers mounted on concrete K-rails or light post style bases is consistent with the intent of the General Plan General Industrial (GI) Land Use Designation and General Industrial (IG) zoning designation in that all proposed improvements and on-site development will assist in providing a more environmentally sensitive alternative to diesel vehicles and ultimately will provide lower noise and cleaner air emissions while servicing the Citizens of the City of Oceanside.

2. The installation of a compressed natural gas (CNG) fueling facility to replace the existing diesel fueling facility and the required compressor, gas lines, electrical transformers, and fill dispensers necessary to fuel the CNG vehicles is consistent with the Zoning Ordinance and the General Plan Land Use Element, because the proposed site modifications necessary to transition to CNG fuel for Waste Management and all the related equipment has been designed in a manner that consistent with the existing built environment and that will be compatible with adjacent industrial uses of similar nature and the types of land uses envisioned for this General Industrial (IG) zoned area.

3. The project design and its physical aspects pertaining to perimeter landscaping, site planning, and equipment location placement meets or exceeds the applicable zoning criteria and development standards, and have incorporated site layout designs which are sensitive to the adjacent land uses to the north of south of the subject site.

4. That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities, and public facilities. The project will connect to an existing SDG&E gas main located in Oceanside Blvd. that will be extended down Industry Street to the site and will not require any additional

services or utilities beyond what exist as part of the overall development.

5. That the site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillsides, and Section 3039 of the Oceanside Zoning ordinance, because the site is relatively flat and Hillside guidelines are not applicable to this site. The proposed development would be compatible with the adjacent industrial land uses and would provide a more sustainable, environmentally sensitive fuel system that equates to better air quality and quiter trash hauling vehicles that are servicing the Citizens of the City of Oceanside.

For the Conditional Use Permit:

1. That the proposed location of the Waste Management of North County Administration and Fleet Maintenance Facility that proposes to convert their fleet from diesel to CNG is in accord with the objectives of the Oceanside Zoning Ordinance, and the purposes of the General Industrial (IG) zone district in which the site is located, because the Industrial area was originally envisioned to be developed with heavy industrial type land uses and the conversion from diesel to CNG fuel for the Waste Management Fleet would not increase the intensity of the existing use on site and would actually improve the existing conditions of the site by providing a more environmentally sensitive vehicle fleet.

2. That the proposed location of the Conditional Use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the area of the proposed use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City because the proposed site design will provide additional perimeter landscaping and fencing around the new CNG area to buffer the newly established equipment from adjacent industrial land uses and that is consistent with the industrial uses originally envisioned when the General Plan was last updated in 2002 and designated the site as a General Industrial area of the City.

3. That the proposed Conditional Use will comply with the provisions of the Oceanside Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Development Plan (D11-00007) and Conditional Use Permit (CUP11-00013) subject to the following conditions:

1. This Development Plan and Conditional Use Permit approves only the following: installation of a compressed natural gas (CNG) fueling facility at the Waste Management of North County Administration and Fleet Maintenance Facility in order to allow for the conversion of the existing trash hauling fleet from diesel to CNG. Installation of the CNG fueling facility will require the addition of a new electrical transformer and gas compression equipment protected and screened via an 8'-0" black vinyl chain-link fence with black vinyl slats. The facility will also include gas distribution piping below grade with time fill dispensers mounted on concrete K-rails or light post style bases and minor retrofits to the existing maintenance shop in order to be able to perform maintenance and repair on CNG vehicles. Any substantial modification to the Development Plan or Conditional Use Permit in the design, layout, or intensification of the use shall require a revision to the Development Plan, a revision to the Conditional Use Permit, and/or a new Development Plan, and/or Conditional Use Permit.

Building:

1. Construction shall comply with the 2010 edition of the California Codes.
2. Construction hours are limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.
3. Exterior lighting must comply with Chapter 39 of the Oceanside Code of Ordinances and Section 5.106.8 of the 2010 California Green Building Code. Provide a photometric plan of the parking lot showing all lighting.
4. All equipment must be listed and labeled by an OSHA- accredited nationally recognized testing lab. (NRTL)

Fire:

5. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits.
6. Fire Department final inspection and permit required prior to operation startup.
7. Compressed natural gas (CNG) motor vehicle fueling dispensing facilities must comply with CFC 2208.

8. CNG compression, storage and dispensing equipment not located in vaults must be installed as follows:

   a) Not beneath power lines.

   b) Ten feet or more from the nearest building or lot line that could be built on, public street, sidewalk or source of ignition.

   c) Twenty five feet or more from the nearest rail of any railroad track.

9. Repair garages for vehicles fueled by CNG must comply with CFC 2211.7.

Planning:

10. Development Plan (D11-00007) and Conditional Use Permit (C11-00013) shall expire on January 30, 2015, unless implemented in accordance with the City of Oceanside Zoning Ordinance or unless a time extension is granted by the Planning Commission.

11. 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 (D11-00007) and Conditional Use Permit (C11-00013). 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.

12. A letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.

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

14. 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 or their designee. 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.

15. 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.

16. All mitigation measures identified in the approved Mitigated Negative Declaration shall be complied with as stated in that document and associated Mitigation Monitoring and Reporting Program.

17. All other Conditions of the original Approval contained in Planning Commission Resolution No. 95-P51 remain in full force and effect. In a case where there is a conflict between the Resolutions, the new Resolution 2013-P02 shall rule.

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

19. 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.

20. All new mechanical roof–top and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. Air conditioning shall be installed and operated within the building. This information shall be shown on the building plans.

21. Prior to issuance of any building permits for the project, a Final Waste Management of North County Operation Management Plan shall be submitted to the City Planner for review, and prior to issuance of any certificate of occupancy or final permit sign off, the City Planner shall approve the final version of the Waste Management of North County Operation Management Plan.

Engineering:

22. Prior to construction of the new gas line, an erosion control plan shall be submitted by the owner/developer and approved by the City Engineer.

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

24. A Declaration of Covenants, Conditions and Restrictions (DCC&R) is required prior to the issuance of any building permit, and will be reviewed and approved by the City Attorney. The Declaration of Covenants, Conditions and Restrictions (DCC&R) shall be recorded attesting to these improvement conditions prior to issuance of any building permit.

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

26. A traffic control plan shall be prepared according to the City traffic control guidelines and approved to the satisfaction of the City Engineer prior to the start of work within the public right-of-way on Industry Street and Oceanside Boulevard. Traffic control during construction of Industry Street and Oceanside Boulevard that have been open 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.

27. All new pavement sections for the driveway and parking areas shall be based upon approved soil tests and traffic indices. The pavement design is to be prepared by the owner/developer's soil engineer and must be in compliance with the City of Oceanside Engineers Design and Processing Manual and be approved by the City Engineer, prior to paving.

28. Any existing public pavement, concrete curb, gutter, driveways, pedestrian ramps and sidewalk adjacent to the project boundary, within Industry Street, that are damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.

29. No grading or disturbance shall be allowed within the existing 30' (feet) flood control right-of-way along the southern boundary of this project.

30. The owner/developer shall comply with the current City of Oceanside Floodplain Management Ordinance Regulations.

31. There shall be no floodway encroachments, including fill, new construction, substantial improvement, or other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge. Certification shall be reviewed and approved by City staff and/or FEMA staff before any encroachment in authorized.

32. Prior to issuance of any building permit, the owner/developer shall provide a commitment letter to the City of Oceanside agreeing to make reasonable efforts to move all trucks, vehicles, containers and other objects from the site during any severe flood event.

33. There shall be no flowage obstruction of any kind such as K-railing along the eastern, western, southern and northern project boundary unless approved by Federal Management Agency (FEMA). The final configuration and design of K-rail or concrete light pole bases shall be shown on final engineering plans subject to final review and approval by the City Planner.

34. Prior to issuance of any building permit, the owner/developer shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, Federal Emergency Management Agency (FEMA), U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), and San Diego County Health Department (DEH).

35. Unmitigated discharge of pollutants in urban runoff, to receiving water, is not permissible. The project shall mitigate pollutant discharges from the CNG refueling site by implementing permanent Source Control (Good Housekeeping) Best

Management Practices (BMPs) and Treatment Control BMPs. Source Control BMPs shall be updated to be consistent with current City of Oceanside – Clean Water Program – Commercial Urban Runoff Requirements Manual, the City of Oceanside – Standard Urban Storm Water Mitigation Plan (SUSMP), and the California Stormwater Quality Association (CASQA) Industrial and Commercial Handbook requirements and practices. Source Control BMPs shall include, but not be limited to; personnel education and training, mitigation of non-stormwater discharges, spill prevention, spill control, and spill cleanup, waste handling and disposal management, storage area maintenance and management. Source Control BMPs shall be implemented throughout the life of the project. In addition, the CNG project shall mitigate pollutants in the urban runoff, such as, but not limited to, sediment, grease, oil and trash, by the continued operation, inspection, and maintenance of the onsite clarifier-type Treatment Control BMP. To ensure uninterrupted and consistent operation of the Treatment Control BMP, qualified Waste Management (WM) staff shall regularly inspect and directly oversee maintenance of the BMP, consistent with Treatment Control BMP inspection, maintenance, and operation requirements of the San Diego Regional Water Quality Control Board (RWQCB) Municipal Permit, the City of Oceanside SUSMP, and the CASQA Industrial and Commercial Handbook. The Treatment Control BMP shall operate throughout the life of the project. Pollutants captured from urban runoff shall be properly disposed of in accordance with local, state, and federal requirements. Qualified WM staff shall maintain a list of Source Control BMPs implement on-site and shall maintain records of Treatment Control BMP inspection, maintenance, and operation activities. Source and Treatment Control BMP records shall be made available, upon request, to City Storm Water, City Code Enforcement, or RWQCB staff. The CNG refueling site is subject to City and/or RWQCB stormwater inspection and maintenance verification, consistent with current and future state stormwater regulations.

36. In the event that the conceptual plan does not match the conditions of approval, the resolution of approval shall govern.

Landscaping:

37. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and ordinances, including the maintenance of such landscaping, shall be 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. A landscape pre-construction meeting shall be conducted by the landscape architect of record, Public Works Inspector, developer or owner's representative and landscape contractor prior to commencement of the landscape and irrigation installation. The following landscaping requirements shall be required prior to plan approval and certificate of occupancy:

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

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

c) All required landscape areas shall be maintained by owner (including public rights-of-way). The landscape areas shall be maintained per City of Oceanside requirements.

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

e) Landscape plans shall have proposed plant material, specifically large screening shrubs, to be native/naturalized, non-invasive, and known to be resistant to the disease strain of Xylella fastidiosa – leaf scorch.

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

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

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

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

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

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

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

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

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

o) The landscape plans shall match all plans affiliated with the project.

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

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

38. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials (including interior trees and street trees) c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) parking lots and walkways, walls, fences, etc. f) pruning standards for street trees shall comply with the International Society of Arboriculture (ISA) *Standard Practices for Tree Care Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix H; and Tree Pruning Guidelines, Appendix F* (most current edition). Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.

//////////////

//////////////

//////////////

//////////////

//////////////

//////////////

//////////////

//////////////

//////////////

//////////////

//////////////

//////////////

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

PASSED AND ADOPTED Resolution No. 2013-P02 on January 30, 2013 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Tom Rosales, Chairperson
Planning Commission

ATTEST:

_____

Marisa Lundstedt, Secretary

I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2013-P02.

Dated: January 30, 2013

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

_____ _____

Applicant/Representative Date

PLANNING COMMISSION
RESOLUTION NO. 95-P51

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

APPLICATION NO:	D-9-95, C-24-95
APPLICANT:	Waste Management of North County
LOCATION:	2141 Oceanside Boulevard (Site No. 1) 2403 B Industry Street (Site No. 2) 2880 Industry Street (Site No. 3

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan under the provisions of Article 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

to permit improvements and operation modifications at three existing Waste Management of North County facilities;

on certain real property legally described as shown on EXHIBIT "A" attached hereto and incorporated herein by reference thereto.

WHEREAS, the Planning Commission, after giving the required notice, did on the 23th day of October, 1995, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

For the Development Plan:

1. Redistribution and coordination of Waste Management of North County activities at the three sites is consistent with Industrial district purposes expressed in the Zoning Ordinance. Strengthening the city's economic base and providing the opportunity for jobs to city residents, ensuring the appearance of the project is consistent and in harmony with the character of the area in which it is located and requiring that site development meets specific performance standards to minimize potential environmental impacts are purposes of the industrial district with which the project is consistent.

2. The Development Plan conforms to policies of the General Plan. These include proposing a use that is primarily packaging, processing and distribution in nature, all listed as General Industrial uses, maintaining landscaping in all setback areas and along all fences, screening all outdoor storage aspects, visually separating the proposed uses from nearby non-industrial land uses by natural topographic features.

3. Utility infrastructure exists to serve the project. Additional improvements or fair-share funding which are necessary to off-set development impacts are attached as conditions of approval.

For the Conditional Use Permit:

1. The project sites are located along an Industrial Corridor (Oceanside Boulevard). The proposed uses are consistent with the objectives of the Zoning Ordinance and the purposes of the IG (Industrial General) Zone.

2. The project is consistent with the following General Plan policies: the use is primarily packaging, processing and distribution in nature, all listed as General Industrial uses; landscaping will be maintained in all setback areas and along all fences; all outdoor storage aspects will be screened as required by the Zoning Ordinance; this use is visually separated from nearby non-industrial land uses by natural topographic features. The project has been conditioned or is designed in such a manner as to not cause detriment to persons residing or working in or adjacent to the neighborhood of such use.

3. The project through the attached conditions of approval will comply with the requirements of the IG (Industrial General) zone.

WHEREAS, the Planning Commission finds a Negative Declaration has been prepared stating that there will not be significant adverse impact upon the environment resulting from the proposed site modifications and additions.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby APPROVE Development Plan (D-9-95) and Conditional Use Permit (C-24-95) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department 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 C.C.R., Title 24, Part 2 (Disabled Access - Nonresidential buildings - D.S.A.).

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

5. Application for Building Permit will not be accepted for this project until plans indicate that they have been prepared by a licensed design professional (Architect or Engineer). The design professional's name, address, phone number, State license number and expiration date shall be printed in the title block of the plans.

6. All outdoor lighting shall conform to the Oceanside City Code, Chapter 39 - Light Pollution Ordinance.

7. City records show existing building as a B-2 occupancy; expanded truck maintenance/repair area rep[resents a change in use from B-2 to H-4. Architect or engineer shall prepare plans to bring existing building into compliance with the current code requirements for the new expanded use.

Environmental:

8. All studies and analyses required as conditions of approval or mitigation measures shall be completed before grading and/or building permits are applied for.

Engineering:

9. Property line returns, knuckles, and all other street right-of-way alignments and widths shall be dedicated and improved as required by the City Engineer.

10. Prior to approval of the plans, all improvement requirements shall be covered by an agreement, secured with sufficient improvement securities guaranteeing performance, payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

11. Where proposed off-site improvements including but not limited to slopes, public utility facilities, and drainage facilities are to be constructed, the applicant 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 the approval of the plans. 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.

12. Improvements shall be required at the time of development; a covenant, reviewed and approved by the City Attorney, shall be recorded attesting to this condition.

13. All streets shall be improved, as directed by the City Engineer, with concrete curbs and gutters, street lights, 5 foot wide sidewalks and pavement, providing a parkway width of at least 10 feet, except where turnouts are provided unless altered by the City Engineer.

14. All street dedications, alignments, widths, and exact geometrics shall be as approved by the City Engineer.

15. The developer shall provide public street dedication as required to serve the property.

16. The exact alignment, width and design of all median islands, turning lanes, travel lanes, driveways, striping, and all other traffic control devices and measures, including turnouts, bike lanes, and width transitions, shall be approved by the City Engineer.

17. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon soil tests and traffic index. The pavement design to be prepared by the subdivider's soil engineer must be approved by the City Engineer.

18. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to the issuing of any building permits in accordance with City policies. The subdivider or 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 project shall constitute the developer's approval of such payments, and his agreement to pay for any other similar assessments or charges in effect at the time any increment is submitted for final map or building permit approval, and to join, contribute, or participate in such districts.

19. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer. Parking lot striping shall be shown on precise grading/private improvement plans for parking lots.

20. The developer shall pay traffic signal fees as required by the City's Traffic Signal Fee Ordinance.

21. The developer shall pay thoroughfare fees as required by the City's Thoroughfare Fee Ordinance.

22. Sight distance requirements at all street intersections shall conform to the intersectional sight distance criteria as provided by the California Department of Transportation Highway Design Manual.

23. Landscaping plans for trees, bushes and shrubs, or plans for the construction of walls, fences or other structures at or near intersections must conform to sight distance requirements and must be submitted to and approved by the City Engineer prior to the issuance of building permits and prior to the implementation of any landscape improvements.

24. Sediment, silt and grease traps shall be included in drainage improvements. All site drainage into the creek must be collected into appropriate oil/water separators. A berm shall be constructed along the property line adjacent to Loma Alta Creek to direct drainage away from the creek into the separators. A recirculation system for drainage water may be constructed in lieu of the proposed separators. All site grading, drainage and improvements must meet NPDES requirements, the City's Flood Control and Grading Ordinances, and be approved by both the City Engineer and Planning Director prior to the approval of the grading permit.

25. Grading and drainage facilities shall be designed to adequately accommodate the local storm water runoff and shall be in accordance with standard plans and specifications of the City of Oceanside and subject to the approval of the City Engineer.

26. Development shall be in accordance with City Floodplain Management Regulations.

27. This project is subject to payment of Master Plan of Drainage acreage fees, to be paid prior to approval of the building permit. All storm drains and appurtenances shall be designed and installed to the satisfaction of the City Engineer. On and off-site drains shall be shown on City standard plans and profile sheets. Storm drain easements shall be dedicated where required.

28. Storm drain facilities shall be designed and located such that the inside travel lanes on Oceanside Boulevard shall be passable during conditions of a 100-year frequency storm.

29. Storm drain easements shall be dedicated when required. The subdivider or developer shall be responsible for obtaining any off-site easements for storm drainage facilities.

30. All drainage picked up in an underground system shall remain in underground system until outlet into an approved channel.

31. On-site grading design and construction shall be in accordance with the City's current Grading Ordinance.

32. The applicant shall obtain the appropriate permits and clearances from the U. S. Army Corps of Engineers and/or U. S. Fish and Wildlife Service and/or California Department of Fish and Game and all appropriate NPDES clearances and permits prior to the issuance of grading permits.

33. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the tracts or projects. 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.

34. The applicant shall provide adequate erosion control devices for the sites during the construction of all grading, hardscape and landscape improvements. This shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the Engineering Department.

35. The entire project shall be served with a water system adequate enough for fire protection and domestic supply, with hydrants and other appurtenances as needed. The main lines shall be dedicated to the City, and appropriate easements shall be provided. The sewer system to serve the project shall be designed and constructed to City standards. All other utilities to serve the project, including electrical, telephone, and cable T.V., shall be constructed underground.

36. All existing continuous overhead utility lines and all new extension services for the development of the project, including electrical and telephone, shall be constructed underground.

37. The undergrounding of the existing overhead utilities may be deferred. The developer shall make an in-lieu payment based upon the linear foot of utilities to be deferred at the rate then in effect as established and published by the City Engineer. The limits shall be across the property frontage.

38. After approval of the first final map, a phasing plan for the construction of public and private improvements shall be reviewed and approved by the City Engineer.

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

40. Any broken concrete curb, gutter or sidewalk shall be repaired or replaced as required by the City Engineer.

41. The developer shall install 3 inch P.V.C. conduit and 1/4 inch pull rope on the frontage of the project on all arterials and above, for signal interconnect cable. Pull boxes shall be spaced 200 feet apart.

42. Precise grading and private improvement plans shall be reviewed and approved for each site by the City Engineer prior to the start of any improvements. All public improvements shall be as directed by the City Engineer with the appropriate improvement plans reviewed and approved prior to the issuance of grading permit. It will be the applicant's responsibility to secure all necessary state and federal approvals (including NPDES) prior to the issuance of grading permits. Plan submittal must be accompanied by the submittal and approval of hydrological/hydraulic calculations that meet the requirements of the Engineer's Manual and all other applicable ordinances and regulations, whether state, federal or local. The direct or indirect discharge of any pollutants or non-storm water discharges into Loma Alta Creek shall be prohibited.

43. Drainage easements for Loma Alta Creek shall be dedicated to the City prior to the issuance of building permits. Easement dimensions shall be as required by the City Engineer.

44. Prior to issuance of a grading permit, a Notice of Intent (NOI) shall be submitted to the State Water Resources Control Board (SWRCB) and a Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented on-site in compliance with the California General Construction Activity Storm Water Permit, as required by NPDES regulations. The NPDES permit requires the applicant to eliminate or reduce non-point source storm water discharges through implementation of Best Management Practices (BMPs). The SWPPP shall at a minimum include the following:

(a) Material and waste management BMPs during site grading and construction.

(b) Permanent structural BMPs (i.e., physical improvement or devices) such as infiltration trenches, French drains, detention basins, filters and vegetative controls to reduce the amount of pollutants in site runoff prior to its release into Loam Alta Creek and the City's storm drain system.

(c) Permanent grease/oil traps and other filtration systems shall be installed and maintained at all appropriate storm drain inlets within the proposed parking areas.

(d) The following non-structural post-construction BMPs (i.e., routine procedures or practices) to reduce the amount of pollutants available for transport by the typical rainfall/runoff process:

(1) A material use control program for materials with a potential to contaminate storm water including guidelines such as proper storage and disposal practices for potential pollutants (e.g., motor oils and antifreeze); prohibiting storage of uncovered hazardous substances in outdoor areas; prohibiting the use of pesticides and herbicides listed by the Environmental {Protection Agency; and spill prevention/response and shipping/receiving practices;

(2) A housekeeping policy that prohibits the use of water for cleaning sidewalks, outside structures and parking areas, except in designated and approved wash areas;

(3) A landscape management plan that includes herbicide/pesticide management practices designed to minimize storm water contaminants from landscaping applications and provisions to minimize irrigation runoff;

(4) A street sweeping and cleaning program.

(e) A monitoring program involving inspection of all BMPs and pollution prevention measures during grading and construction shall be required. As part of the monitoring program, inspection and maintenance procedures shall be developed and implemented for all post-construction storm water pollution control measures to ensure that they continue to function properly. As an example, drainage inlet filters in the parking areas shall be inspected and maintained at a frequency appropriate to the type of filter system used; storm drain stencils shall be replaced when they are no longer clearly legible; records of paved area sweeping shall be maintained; landscaping sprinkler systems shall be maintained to prevent excess runoff due to leaking or broken sprinkler heads; and drainage facilities shall be routinely inspected and repaired as needed.

All provisions of the NPDES permit must be maintained on-site at all times. A copy of the NOI and SWPPP shall be reviewed and approved by the City Engineer and Planning Director prior to issuance of a grading permit.

Fire:

45. Fire flow shall be determined at the time of building application.

46. Fire hydrants shall be located as indicated on a map filed in the Fire Prevention Bureau.

47. Any security gates shall have a Knox-box override.

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

49. Show all existing fire hydrants within 400 feet of the project on the plot plan.

50. All required fire lanes shall be a minimum of 28 feet wide.

Planning:

51. This Development Plan and Conditional Use Permit shall expire on October 23, 1997 unless implemented as required by the Zoning Ordinance.

52. A public facilities fee shall be paid as required by City policy at the time building permits are issued.

53. 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 and Planning Director 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) Landscape buffering along the southern and northern boundaries of sites 1 and 2 shall be in the form of shrubs, trees and vines consistent with those as found in the Loma Alta Creek channel. Plant varieties shall be chosen based on rate of growth and consistency with principles identified in the City's Landscape Guidelines and Water Conservation Ordinance. Along the south property line of site 1, landscaping shall be continued to the western property boundary.

    (b) Landscape buffering along the northern boundary of sites 1 and 2, and southern boundary of site 3, shall be in the form of shrubs, trees and vines consistent with those as found in the Alta Creek channel. Plant varieties shall be chosen based on rate of growth and consistency with principles identified in the City's Landscape Guidelines and Water Conservation Ordinance.

    (c) Landscape buffering, in the form of vines, shall be provided in the following areas:

        (1) Site #1 - Along the western site boundary from the setback line along Oceanside Boulevard (10 feet from the front property line) to the southern site boundary.

        (2) Site #2 - Along the eastern and western site boundaries from the setback line along Industry Street (10 feet from the front property line) to the southern site boundary.

3. Site #3 - Along the eastern and western site boundaries from the setback line along Industry Street (10 feet from the front property line) to the northern site boundary.

Vines shall be chosen based on rate of growth and consistency with principles identified in the City's Landscape Guidelines and Water Conservation Ordinance.

(d) Landscape areas adjacent to the Loma Alta Creek channel shall utilize plant materials which are found to be appropriate as a riparian buffer to provide compliance with the Regional Growth Management Strategy. Plant type is subject to the review and approval of the Planning Director and City Engineer.

54. 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.

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

56. 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, Management Plan and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

57. This Conditional Use Permit shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or assumptions made by the application.

58. The applicant shall be responsible for trash abatement on the site, and shall keep the site free of litter, trash and other nuisances. This project is subject to compliance with Section 3024, Performance Standards, of the Zoning Ordinance.

59. All proposed fencing shall be eight feet in height with wood slats for screening. Wood screening slats shall be placed in all existing fencing. Fencing shall be shown on the landscape plan and improvement or grading plans. All damaged wood slates are to be replaced within 24 hours of occurrence.

60. Elevations, siding 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 Department and Planning Department.

61. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant (developer, subdivider) and recorded prior to the approval of the final map (or prior to issuance of building permits where no final map is required). The covenant shall provide that the property is subject to this Resolution, and shall generally list the conditions of approval.

62. 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 and the site in general may result in the setting of a public hearing to revoke the approval. This condition shall be recorded with the covenant required by this Resolution.

63. This Development Plan and Conditional Use approves only the following: Waste Management of Oceanside improvements at three sites, including; truck wash operation, bin wash operation and canopy, recycling processing building and public buy back area. Any substantial modification in the design or layout shall require a revision to the Development Plan and Conditional Use Permit or a new Development Plan and Conditional Use Permit.

64. All mechanical roof-top and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

65. The hours of operation for Site No. 1 shall be from 3:30 a.m. until 12:00 a.m. Monday through Friday, and Saturday and Sunday from 5:00 a.m. until 4:00 p.m. The hours of operation for Site No. 2 shall be from 6:00 a.m. until 6:00 p.m. Monday through Friday, and Saturday from 5:30 a.m. until 3:00 p.m. The hours of operation for Site No. 3 shall be from 6:00 a.m. until 11:00 p.m. Monday through Friday, and Saturday from 6:00 a.m. until 11:00 p.m.

66. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti ordinance (Ordinance No. 93-19, Section 20.25 of the City Code) shall be reviewed and approved by the Planning Department. These requirements, including the obligation to remove all graffiti within 24 hours, shall be recorded in the form of a covenant affecting the subject property.

67. All trucks, trash bins, pods, and roll-off bins shall be parked in designated parking areas as identified on the site plan. All trucks, bins, pods and roll-offs shall be uniformly and orderly parked at all times. A dust control program shall be developed for Site No. 2.

Water Utilities:

68. All public water and/or sewer facilities not located within the public right-of-way, shall be provided with adequate sized easements. Size of new easements to be determined by the Water Utilities Department.

69. The developer shall be responsible for developing all water and sewer facilities necessary to this property. Any relocation of water or sewer lines are the responsibility of the developer.

70. This project is subject to the development restrictions identified in the City's Water Conservation Ordinance No. 91-15.

71. This project is subject to the requirements of the City's Water Conservation Ordinance No. 91-15, specifically, dual water lines shall be provided on-site in order to facilitate the present and future use of reclaimed water.

72. 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 an approved type backwater valve, per Section 409 of the Uniform Plumbing Code.

73. The existing water meter service at Site No. 1 (2141 Oceanside Boulevard) shall be protected by a R.P.P. backflow prevention assembly.

//////////////////

//////////////////

//////////////////

//////////////////

74. Each and every new water meter service provided at Sites 1, 2, or 3 shall be protected by a R.P.P. backflow prevention assembly.

PASSED and ADOPTED on October 23, 1995, by the following vote, to wit:

AYES: Altamirano, Caballero, Frazier, Price, Schaffer, Messinger

NAYES: None

ABSENT: None

ABSTAIN: Bockman

Reinaldo J. Altamirano, Chairman

ATTEST:

Michael J. Blessing, Secretary

I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 95-P51.

Dated: Oct 23 '95

MICHAEL J. BLESSING, Secretary
OCEANSIDE PLANNING COMMISSION

oil-free natural gas

TWIN IMW50-8000DA-150HP-4500-4AC **QTY 1**

SUCTION PRESSURE:	13 - 15 PSIG @40°/80°F INLET/-20/105°F AMBIENT (REGULATED)
DISCHARGE PRESSURE:	4500 PSIG
FLOW CAPACITY/COMPRESSOR:	245 SCFM/143 HP@ 13 PSIG INLET PRESSURE 264 SCFM/150 HP@ 15 PSIG INLET PRESSURE
POWER REQUIRED:	150 HP, TEFC ELECTRIC MOTOR (CL1 DIV 2)
SPEED:	668 RPM
NO. STAGES:	FOUR (4)
COOLING METHOD:	AIR COOLED
LUBRICATION METHOD:	FORCE-FED CRANK/ROD BEARINGS & CROSSHEAD

COMPRESSOR FEATURES: TYPICAL

- "W" STYLE RADIAL COMPRESSOR CONFIGURATION
  - BALANCED RECIPROCATING DESIGN FOR LOW VIBRATION AND LOW NOISE
  - 25 YEAR MINIMUM SERVICE LIFE ON COMPRESSOR FRAME WHEN MAINTAINED ACCORDING TO THE MANUFACTURE'S RECOMMENDED MAINTENANCE SCHEDULE
- NON-LUBRICATED CYLINDERS, PISTONS AND VALVES
  - SELF-LUBRICATING TEFLON® COMPOSITE, "PEEK" RINGS ON PISTON RINGS AND ROD PACKING
  - 6000 ~ 8000 HOUR TYPICAL SERVICE LIFE OF VALVES, RINGS, AND PACKING, WHEN MAINTAINED ACCORDING TO THE MANUFACTURE'S RECOMMENDED MAINTENANCE SCHEDULE
  - OIL CONTENT IN DISCHARGE GAS ≤ 5 PPM
- HIGH-EFFICIENCY HEAT EXCHANGER FOR INTER-STAGE AND DISCHARGE GAS COOLING
  - PRESSURE DESIGN CODE, PER ASME SEC VIII, DIV1
  - OUTLET GAS TEMPERATURE ≤ 20 °F ABOVE AMBIENT TEMP.
  - MOUNTED FOR VERTICAL DISCHARGE
- ELECTRIC MOTORS (CLASS 1 DIV2 GROUP D)
  - ELECTRICAL MOTOR PRIME MOVER
  - ELECTRIC MOTOR (DESIGNED FOR 480 V 60 HZ 3 PH)
  - SOFT START SYSTEM TO REDUCE STARTING VOLTAGE
- COMPRESSOR SKID DESIGNED FOR EASY SERVICE/MAINTENANCE ACCESS
- SKID FABRICATION TO MOUNT TWO COMPRESSORS & RELATED EQUIPMENT
- INSTRUMENT PANEL DISPLAY SYSTEM STATUS, TEMPERATURES AND PRESSURES
- ELECTRICAL CONTROL (PLC/MCC) PANEL WITH ALARM STATUS INDICATORS
- INLET FILTER (10.0 MICRON) AND DISCHARGE FILTER (0.3 MICRON) AT 99.95% EFFICIENCY
- CHECK VALVE AND MANUAL ISOLATION VALVE AT INLET & DISCHARGE
- AUTOMATIC UNLOADING OF COMPRESSOR INTO RECOVERY TANK AT END OF CYCLE
- NO COMPRESSOR GAS VENTED TO ATMOSPHERE DURING SHUTDOWN
- BLOCK HEATERS
- RE-CIRCULATION SYSTEM
- INTER-STAGE PULSATION DAMPENER/SCRUBBER VESSELS WITH CONDENSATE DRAINS
- ALL TUBE FITTINGS ARE DOUBLE-FERRULE COMPRESSION TYPE

oil-free natural gas

TYPICAL DOUBLE COMPRESSOR ENCLOSURE **QTY 1**

- FREE-STANDING, SELF-CONTAINED, WEATHERPROOF COMPRESSOR ENCLOSURE
- DESIGNED TO HOUSE TWO IMW COMPRESSOR SYSTEMS AND ACCESSORIES
- INLET AND DISCHARGE SILENCERS TO REDUCE OUTSIDE NOISE LEVELS
- SOUND ATTENUATION AT 80 dBa AT 3 M, IN FREE FIELD CONDITIONS
- FAN DISCHARGE TO TOP TO REDUCE SOUND LEVELS
- ALUMINUM SWING OUT DOORS FOR SERVICE ACCESS TO EQUIPMENT
- HEAVY-DUTY SKID AND ENCLOSURE FRAME
- STRUCTURAL STEEL FLOOR FRAME CONSTRUCTION
- HEAVY-DUTY LIFTING POINTS (FOR CRANE)
- OVERHEAD LIGHTING SUITABLE FOR HAZARDOUS LOCATION
- GAS DETECTOR INTERLOCKED LOCKED WITH EXHAUST FAN
- EXTERIOR-MOUNTED ESD PUSHBUTTON
- APPROXIMATE DIMENSIONS 9′ WIDE 10′ HIGH X 25′ LONG
- FINISH: ALUMINUM DOORS AND STRUCTURAL FRAMES ARE PAINTED

NOTE: THE COMPRESSION EQUIPMENT IS HOUSED IN AN ENCLOSURE MOUNTED ON A REINFORCED STEEL SKID. IT ENCOMPASSES THE COMPRESSOR SKID, INCLUDING THE COMPRESSOR, MOTORS, CAPTIVE RECOVERY SYSTEM, INSTRUMENT PANELS, AND HEAT EXCHANGERS. LARGE DOORWAYS AND PANELS PROVIDE GENEROUS ACCESS TO EQUIPMENT. ENCLOSURE IS NOT NECESSARILY BUILT TO A "BUILDING" STANDARD BUT IT IS AN EQUIPMENT ENCLOSURE.

PRIORITY/ESD/TIME FILL PANEL **QTY 1**

- DESIGNED FOR MAXIMUM FLOW RATE OF TWO COMPRESSORS
- 310 BAR (4500 PSIG) DESIGN PRESSURE
- THREE-BANK ELECTRONIC PRIORITY CONTROL
- PNEUMATIC ACTUATED BALL VALVES
- THREE-BANK ESD CONTROL (FAIL-SAFE ACTUATED ESD BALL VALVES)
- PRIORITY ORDER:
  - 1^{ST} - FAST FILL DISPENSER
  - 2^{ND} - TIME FILL POSTS
  - 3^{RD} - FAST FILL POST
  - 4^{TH} - VESSEL STORAGE ASSEMBLY
- PRESSURE GAUGE PER OUTLET LINE
- STAINLESS STEEL PRESSURE TRANSMITTERS ON ALL THREE BANKS & TIME FILL
- MANUAL ¾" ISOLATION BALL VALVE ON INLET LINE
- S/S DOUBLE-FERRULE COMPRESSION ¾" FITTINGS WITH ASME SA213 TP316SS TUBE
- ELECTRICAL CONTROL FROM COMPRESSOR PLC
- ALL COMPONENTS ARE MOUNTED ON NEMA PANEL FOR OUTDOOR LOCATION

Comment Letter D

From: Nadine [mailto:deannie550@sbcglobal.net]
Sent: Wednesday, January 09, 2013 7:20 PM
To: Zack Beck; Marisa Lundstedt; Bob Neal; Claudia Troisi; Dennis Martinek; Louise Balma; Tom Rosales; Jay Schrivner; Robert Ross; City Clerk
Subject: Waste Management CNG item: Oppose January 14, 2013 Planning Commission Hearing

To Whom it May Concern, (City Clerk - please ensure this is in the official record for this project)

Friends of Loma Alta Creek (FOLAC) opposes the Waste Management (WM) CNG project. While this seems like a good 'green' project, once again as in the Robertson's concrete plan project, it is in the wrong place for such a project. In addition, the level of environmental review was incorrect as will be detailed below. There are also several existing problems with the current

D-1

operation and the Planning Commission should act on those as a matter of right to reopen the CUP upon validated complaints. FOLAC has a noise study showing continued violations of the City's Noise Ordinance and the City documents noise complaints since 1995, when Waste Management changed their operation location to its current site with entrance off Industry St.. WM's own noise study shows violations of the noise ordinance as well.
A summary of reasons to turn down this project and Mitigated Negative Dec is stated below and shall be incorporated into the official record.

D-1 Cont.

After doing multiple detailed Public Records Act requests and examining the documentation for the current application, FOLAC raises the following issues.

1. WM proposes a gas station & high pressure gas lines (5000psi) mostly in the floodway & also some construction in floodplain and buffer, plus excavation in floodway to install underground high pressure gas lines-this is not allowed; (survey map attached in WM file, not in Mitigated Negative Declaration [MND] and latest FEMA floodway map attached)

D-2

2. Numerous, continuing and existing noise complaints since 1995 have gone unaddressed by the City or WM; violations of noise ordinance before 6:59 am are amply demonstrated in 2 sound studies- one prepared by WM's own consultant shows violations and one prepared for USD by Eihler also shows violations of the City's Noise Ordinance; Existing noise continues to violate the City's Noise Ordinance and no adequate noise mitigations have been proposed to reduce the noise level to accepted, legal noise levels in the industrial, Loma Alta Creek Sub-Area Plan gnatcatcher habitat area or the adjoining residential district Loma Alta neighborhood. The City disingenuously confuses the matter of law (Noise Ordinance and noise prohibitions) with operating hours. As a matter of law, WM cannot violate the Noise Ordinance no matter what operating hours they have been granted- Waste Management's own legal counsel, John Newell,stated this to FOLAC at a face-to-face meeting last year in October;

D-3

3. Inadequate or disallowed noise mitigations proposed- As proposed, the city's CNG/Diesel truck replacement plan constitutes an improper deferral of mitigation measures. Formulation of mitigation measures should not be deferred until some future time, as is the case here. Guidelines § 15126.4(a)(1)(B)<http://www.lexis.com/research/buttonTFLink?_m=51476959d2e3e0374b54264e542aff63&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b199%20Cal.%20App.%204th%2048%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=406&_butInline=1&_butinfo=CCR%2014%2015126.4&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzt-zSkAz&_md5=74bedb5bf79d9424d2df815ae1cd5adc>; Communities for a Better Environment v. City of Richmond, 184 Cal. App. 4th 70, 92-96 (Cal. App. 1st Dist. 2010);

D-4

4. Noise from two huge new compressors(industry specs say no building to dampen noise can be built) has not been mitigated. These massive compressors will be outdoors, on a concrete slab, in metal shed-type structure with direct sight/noise line into Loma Alta neighborhood.
5. Noise currently exceeds and will continue to exceed 60db allowable for habitat species plan/gnatcatcher corridor immediately adjacent to the WM facility and violates the Endangered Species Act Section 9 which forbids any direct or indirect harm for species such as Gnatcatcher which have been document in the Loma Alta Creek Gnatcatcher corridor;

D-5

6. The entire CUP must be reopened as a matter of law to address noise issues from the existing fueling, maintenance and storage yard, the noise from the pod yard, excess vehicles, pod storage yard also has more equipment noise/backup beepers/dumpsters explosive noise and lack of living landscape screening as required in the original CUP;

D-6

7. There is no mitigation proposed for abandonment of huge, 24,000 gallon diesel tank which is in the floodway/floodplain,,,'will do when no longer needed' (which will be never if they fuel one item);

D-7

8. Cumulative, substantial noise issues were not dealt with at all in the MND and must be done:

D-8

Cumulative noise consists of construction, existing noise, future noise, compressors noise (80db at 15 meters), fan noise, maintenance noise including air hammers/loud and prohibited noises during the nighttime, backup beepers on all vehicles, dropping of pods and metal dumpsters (sounds like explosions),etc.; D-8 Cont.

9.The City's own Topographic map (number 100 incorporated herein for reference) shows the canyon-like nature of the surrounding Loma Alta Neighborhood; sound travels UP and into the neighborhood at a very high dB during the nighttime hours (10pm to 6:59am); nighttime hours are 45dB in residential areas and WM exceeds that and will continue to exceed that based on cumulative noise of the project (Eihler's noise study); D-9

10. The Planning Commission should revoke the CUP for WM due to violation of conditions including landscape, noise/harm to human health/nuisance and exceeding authorized number of vehicles, pods, dumpsters, etc. allowed in the original CUP/Development Plan.; D-10

11. The Planning Commission should immediately change the operating hours, whether the project goes forward or not, from the current 3am to midnight to the required 7am to 10pm to comply with the City's noise ordinance; the violations of the Noise Ordinance are prohibiting residents in Loma Alta neighborhood from the quiet enjoyment of their homes, devaluing property values, and is causing and contributing to various health issues including sleeplessness, heart palpitations, etc..and the violations (over 60dB) must not occur in the special Gnatcatcher/habitat corridor immediately adjacent to the WM properties; D-11

12. An Operational Management Plan appears to be proposed as some sort of mitigation but is not available for public review. This is an impermissible and must be present for public scrutiny. D-12

For these reasons, FOLAC has determined this project and the MND must be denied. In addition FOLAC has determined the proper environmental review was not done and WM should have prepared an EIR for this project. There is substantial evidence in the record that demonstrates significant adverse environmental effects as outlined above. Inadequate or no mitigations have been proposed for noise. ; Last, the existing CUP must be modified to curtail noisy nighttime operating hours that violate the Oceanside Noise Ordinance, with a revocation considered for violations of the existing CUP/Development Plan and Noise Ordinance. D-13

A more detailed letter is being prepared and will have the Eihlers' sound study attached. (due to restrictions on email size.) FOLAC will also discuss why the current CUP is subject to review or revocation, why this project does not comply with the Sub-Area plan (all projects the last few years are required to comply, the General Plan, Land Use Element, Noise Element and Environmental Resource Element. D-14

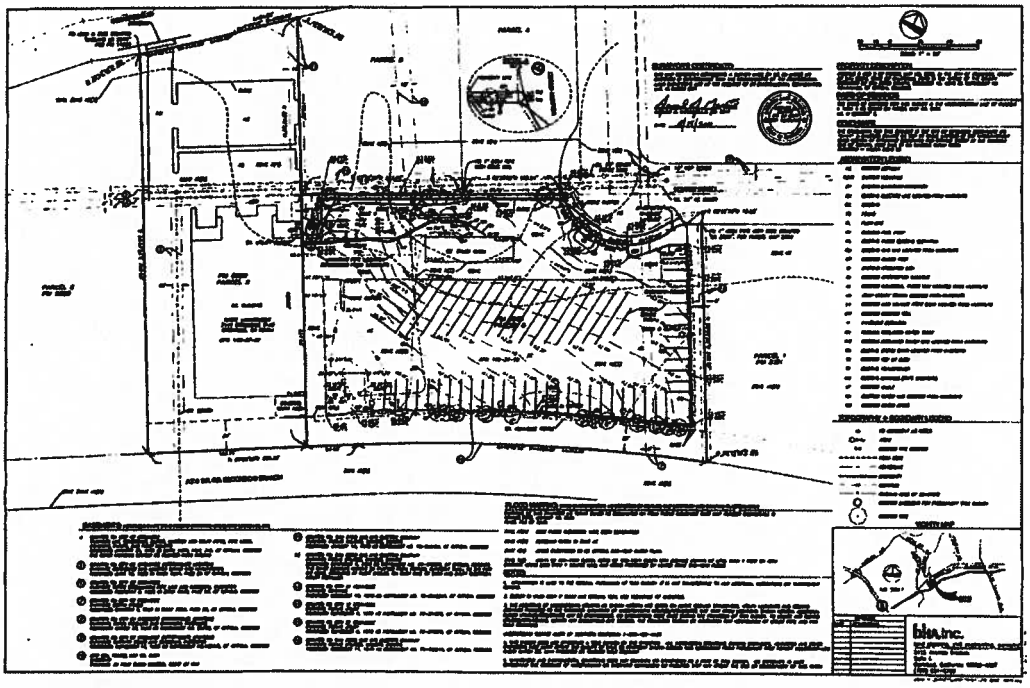
Thank you for your attention to these very important issues. Please call if you have any questions about the material below or if you wish any further documentation at this time.

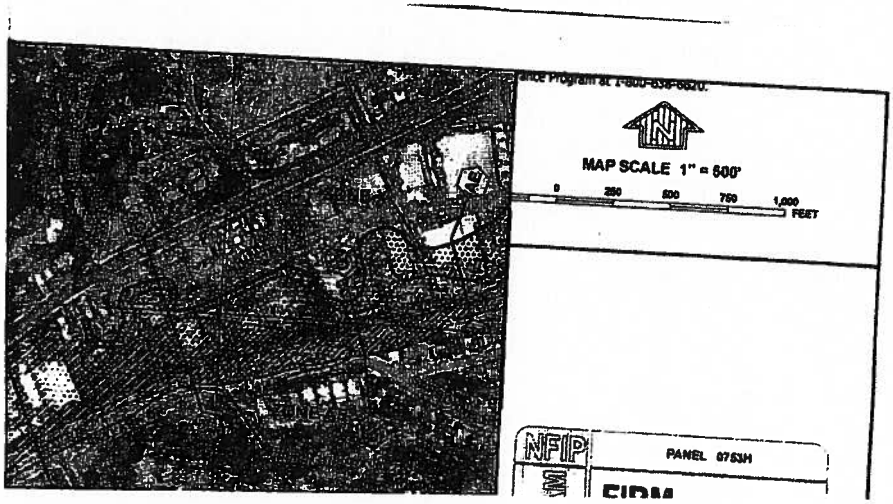
I am appreciative of your consideration.

Nadine L. Scott, co-founder
[sig]
Friends of Loma Alta Creek
550 Hoover St.
Oceanside CA 92054
760-803-6813

Oceanside CA 92054
760-803-6813

Nadine Sluett





NATIONAL FLOOD INSURANCE PROGRA

FIRM

FLOOD INSURANCE RATE MAP

SAN DIEGO COUNTY, CALIFORNIA

AND INCORPORATED AREAS

PANEL 753 OF 2375

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
OCEANSIDE, CITY OF	060294	0753	H

NOTICE TO USER: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
06073C0753H

MAP REVISED
MAY 16, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Response to Comment Letter D

Nadine Scott

Received January 9, 2013

The comment email from Nadine Scott of the Friends of Loma Alta Creek (FOLAC) was received by the City on January 9, 2013, substantially after the close of the public comment period on April 28, 2012. Although not required, the City staff have nonetheless prepared the following responses out of an abundance of caution and to assure that the Planning Commission is fully informed.

D-1 The City acknowledges Ms. Scott's views on the CNG project, and receipt of the Eilar noise study. Please refer to Responses to Comments E-24 and E-33 for additional discussion regarding noise issues.

The matter before the Planning Commission is approval of the CNG project. The procedures for addressing purported violations of the 1995 CUP are discussed in Response to Comment E-2.

All responsive records located in the City's files were provided in accordance with requests made under the Public Records Act.

D-2 Please refer to Responses to Comments C-6, E-22 and E-32 for discussion of hydrology issues.

D-3 Please refer to Responses to Comments E-24 and E-33 for discussion of noise issues and the City's noise ordinance. Appendix D of the FMND provides a technical memorandum documenting the CNG's project's consistency with the Draft Oceanside Subarea Plan. Please refer to Responses to Comments C-11 and C-23 for discussion of operating hours.

D-4 Please refer to Response to Comment E-39 for discussion on the issue of deferral of mitigation. Please refer to Responses to Comments E-33 and E-37 for discussion regarding noise from the compressor.

D-5 Please refer to Response to Comment E-37 for discussion on the issue of noise impact to species.

D-6 Please refer to Response to Comment C-5 for discussion of the scope of the matter before the Planning Commission, which is the review of the proposed CNG project.

D-7 The removal of the existing diesel fuel tanks is not proposed as part of the CNG project; thus, this action was not required to be considered in the MND or required as mitigation.

D-8 Please refer to Response to Comment E-37 for discussion on the issue of cumulative noise impacts. Since the CNG project results in a reduction in noise, it could not, by its very nature, contribute to a cumulative noise impact.

D-9 Please refer to Response to Comment E-24 for discussion of noise impacts on neighborhoods north of the facility. Unlike the actual noise measurements taken by the applicant near the Scott residence (FMND, Appendix C to Appendix C), the Eilar noise study expressly did not consider any factor other than distance in estimating noise at this location. However, both applicant's report and the Eilar study support the conclusion that following implementation of the CNG project noise levels near the Scott residence would be below the City's nighttime 45 dBA noise level standard, if it were applicable.

D-10 Please refer to Responses to Comments E-21 through E-27 for a discussion of this issue.

D-11 Please refer to Responses to Comments C-11 and C-23 for discussion of operating hours, Response to Comment E-24 for discussion of noise impacts on neighborhoods north of the facility, and Response to Comment E-37 for discussion on the issue of noise impact to species.

D-12 The Operations Management Plan is not a mitigation measure. This type of document is typically conditioned by the City to be completed following receipt of all project approvals, to compile the design and operational characteristics in one document solely for the purpose of facilitating administration by the City. As a reference document, it will not impose any conditions or mitigation measures that are not otherwise already provided. Since nothing new is provided that would be a change in the project, no public review is warranted or required.

D-13 The City acknowledges Ms. Scott's views regarding the CNG project and the facility. No new information is presented, and this comment simply refers to other comments. Please refer to the responses to those comments for more detailed information.

D-14 The City acknowledges receipt of a more detailed comment letter, which has been designated as Comment Letter E, and the Eilar noise study. Responses to both have been prepared. Appendix D of the FMND provides a technical memorandum documenting the CNG's project's consistency with the Draft Oceanside Subarea Plan. Please refer to Response to Comment E-14 and the staff report for this matter, at pp. 3-6, for a discussion of consistency with the Oceanside General Plan and the City's zoning ordinance.

Comment Letter E

RECEIVED
JAN 17 2013
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

TO: **City of Oceanside Planning Commission**

FROM: **USD Environmental Law Clinic**

RE: **WM Refueling Facility: Conditional Use Permit & Development Plan CUP11-00013 and D11-00007**

FMND ISSUES

1. Whether the City should revoke the CUP and Development Plan for failure to satisfy conditions.
2. Whether the City of Oceanside (City) proceeded in a manner required by law in not requiring an Environmental Impact Report (EIR) for the Waste Management (WM) Project.
3. Whether the findings in the Mitigated Negative Declaration (FMND) are supported by substantial evidence.

E-1

SHORT ANSWERS

1. WM is violating multiple conditions of the Development Plan/CUP. Under City Law, the City should revoke WM's permission to operate until conditions are met.
2. The City failed to proceed in a manner required by law because there was substantial evidence in the record to indicate substantial environmental impacts caused by the project. Because a "fair argument" may be made that such impacts will be present after the proposed mitigation measures are implemented, an EIR must be prepared.
3. Several findings in the FMND are not supported by substantial evidence.

E-2

E-3

STATEMENT OF FACTS

Background:

The application before the Planning Commission requests the addition of a fueling facility (gas station) at WM's maintenance yard. The bulk of the site is in the floodway zone and partially in the floodplain zone AE. Additionally, the site is immediately adjacent to sensitive habitat area of Loma Alta Creek, adjacent to Fire Mountain and Loma Alta neighborhoods, and adjacent to Oceanside Boulevard.

This major WM project will include new gas and electrical service, a new transformer, a new CNG equipment compound, and a new CNG distribution and dispensing system. The equipment compound will consist of the following major components (list is not exhaustive):

> Natural gas utility meter assembly; PBS dryer; Twin-compressor assembly self-contained in a weather-proof enclosure (equipped with silencers and insulation to provide attenuation at 80 db at 3 meters); priority panel; 67

E-4

cubic foot storage until for CNG; electrical utility transformer and switch gear; gas distribution piping and time fill dispensers; a new structural concrete pad upon which all CNG equipment will be located; new underground natural gas line (installed, owned, and operated by SDG&E) from Oceanside Boulevard, under Industry Street, to the CNG equipment compound; new underground electrical power service to the CNG equipment compound.

The CNG compressors (2) will be 9 feet wide, 10 feet high and 25 feet long and placed at the current driveway entry for the maintenance yard. They will be run by 150HP (horsepower) motors, installed on a concrete pad and according to the FMND cannot be housed in a building. Their location is closest to the Loma Alta neighborhood and Industry Avenue.

Fueling will take place relative to the number of trucks and their return to the yard via 'time-fill' terminals by each vehicle. There will be only one rapid-fill terminal. "Compression of the gas and fueling of the fleet begins and continues over 10-12 hours." (Final FMND p. 2-5) Trucks will return to the site as late as 5:30pm allowing fueling to continue overnight until 5:30am Monday through Saturday, thus creating a 24-hour operation with associated noise of the compressors turning on and off etc.

E-4 Cont.

The FMND states the CNG fuel line will be built from Oceanside Boulevard (p. 2-8) but the Preliminary Site Plan indicates it will be located 270 feet away from Site 1 easterly on Industry Avenue. This necessitates, among other major construction activity, trenching, soil removal, and asphalt/street displacement.

E-5

Throughout the project, Friends of Loma Alta Creek (FOLAC) and FOLAC co-founder Nadine Scott, have expressed concerns about the level of environmental review, noise, landscaping, road damage, and construction issues. In an email to the City in March, 2011, FOLAC wrote about concerns with this project and its environmental impacts. Written comments on the Draft FMND were sent by FOLAC to the City on April 30, 2012. Previously, noise and other environmental complaints were made by Nadine Scott regarding WM's operations. A public records act request (PRA) document confirms these complaints since 1995. In a face-to-face meeting August 30, 2012 with city staff and others, David Manley from Code Enforcement confirmed that multiple noise complaints were filed 'over the years'. In May and June 2012, Scott met with WM's manager, Bill Bixler, and subsequently expressed concerns in two face-to-face meetings, one in April 2012 and one in June 2012 at her home. Over the years Scott met with Ken Ryan, another manager for WM, and expressed concerns about the operations as recently as September, 2012. Scott has discussed the noise issues with Lead Counsel for WM John Newell on October 12th, 2012.

E-6

The project was originally scheduled before the Planning Commission on October 22, 2012 but was delayed until a hearing date of December 3, 2012. That hearing has been further delayed until January 14, 2013.

E-7

Original CUP Background:

In 1994 WM requested a Development Plan and Conditional Use Permit ("CUP") [D-9-95 and C-24-95] "to permit improvements and operation modifications at three existing Waste Management of North County facilities." Notice of the project was given to persons within a 300 foot radius, excluding the great majority of adjacent residences in the Fire Mountain and Loma Alta neighborhoods.

On October 23, 1995, the Planning Commission of the City conducted a public hearing and approved Resolution No. 95-P51 (Resolution) for all three sites to be operated by Waste Management of North County ("WM") based on a Negative Declaration stating no negative environmental effect would occur. The three WM sites are identified as follows: 2141 Oceanside Boulevard (Site No.1 administration/maintenance, etc.), 2403 B Industry Street (Site No.2 Pod/Dumpster storage), and 2880 Industry Street (Site No.3 recycling center), respectively. Site No. 1 is the subject of the development plan and CUP.

E-8

The 1995 CUP and Development Plan substantially changed the use of Site 1 which was originally an administrative office, an indoor bin maintenance building, and truck parking storage yard. It added other items including moving the bin maintenance/washing outdoors, moved collection vehicles to that site and relocated their access point from Oceanside Boulevard to Industry Avenue. (That address is currently still known as 2141 Oceanside Boulevard or Site 1.)

The planner Graff made a finding of no environmental effects or a Negative Declaration (8/25/95) stating "there is no substantial evidence...which indicates the potential for significant environment impacts." Thus, no environmental studies were ever prepared including soils, noise, traffic, hydrology, wildlife, biological, or other impacts prior to the Planning Commission hearing. The development consisted of new 24,000 gallon underground diesel fuel tanks, a fueling station, a large truck maintenance area including painting area, parking area for an unknown number of vehicles, truck and bin wash areas, and bin maintenance facility. Truck fueling, washing and maintenance were previously done at Site 3 that is farther East on Industry Street where it is surrounded by other industrial business and not close to or within sight line of adjacent homes.

E-9

A Storm Water Pollution Protection Plan (SWPPP) was prepared in April, 1996 and did not disclose the underground fuel tanks or the presence of any hydraulic fluid, lubricants or other hazardous chemicals that were being used daily and still are for vehicle repairs. The SWPPP says for each of those items, "Vehicles Will Provide On-Site Service" on the Materials Inventory disclosure page (p.6) indicating that none of the substances would be on site. The SWPPP also states that "The State Permit requires updates to the SWPPP whenever there is a change in construction and/or operations..." (p.18) yet the SWPPP has never been updated to reflect actual conditions as outlined immediately above. The approval required an update to the SWPPP if any changes to the site or operations were made. No documents were provided after numerous PRAs that indicate a new SWPPP was ever prepared.

E-10

Further the site was graded and the floodway was filled at the South end of the site adjacent to the creek "increasing the elevation of the building to allow the addition of truck maintenance". (Description & Justification p.1) No wildlife agency, FEMA, Army Corps or water board permits were applied for or approved to allow fill on this site. It is also unknown if WM has complied with regulations for their underground fuel tanks or the SWPP. Again, no records were made available after multiple PRA requests to the City. E-11

During the 1995 Planning Commission hearing Commissioner Frazier asked about flooding and the facility's "being right near a creek...one of the most vulnerable creeks in the City" and was told there was "an issue at the rear of the facility if the flood waters got up that high". Planner Blessing said, "I do not see a direct condition on this project." An Associate Civil Engineer Lowell later stated that "If water flows through a building in this type of use, that containment must be provided." City staff (Eslambochi meeting with Scott & others, November 5, 2012) indicates there is no stormwater detention basin on site and no new FEMA maps have been approved changing the flood lines for this site. No containment appears evident on the current Preliminary Site Plan or the bha, Inc. Survey Map dated 4/15/2011. The Survey Map and city staff indicate all flows go off the site into the Loma Alta Creek. E-12

Commissioner Bockman asked about operating hours, "Are those hours pretty much the ones that you have in operation now?" and Ken Thompson answered, "Yes." The operating hours at Site 1 were Monday through Friday, 4:30 am to 6:00 pm, Saturday/Sunday from 5 am to 1:00 pm. The development plan made substantial revisions to the hours, changing them to Monday through Friday 3:30 am to 12:00 am (midnight) and Saturday/Sunday from 5:00 am to 4:00 pm. E-13

The CUP and the Development plan were approved even though the development substantially takes place in the floodway and floodplain. The floodway was filled, substantial new noise was created, substantial changes in operating hours were implemented, new underground diesel fuel tanks were installed, and WM began storing hazardous materials on site. It is impossible to know exactly how WM was permitted to operate this facility at any location prior to 1995. According to the City in response to a public records request dated November 13, 2012, there is no documentation for WM's operations at any site prior to 1995. E-14

Current Events:

Since the project was approved in 1995 there have been many changes to the legal and regulatory landscape in Oceanside when new projects and CUPs are applied for: new storm water regulations have been adopted by the Regional Water Quality Control Board (updated 2011) and Oceanside (2002) including secondary containment, retrofits to contain runoff from receiving waters, vehicle washing, and fueling requirements (no new SWPPP was prepared for the Final FMND); there are new compliance programs for underground fuel tanks and on-site materials; there are new laws and regulations regarding waste disposal and recycling; the City's development of the final Sub Area Multiple Habitat Conservation Plan (MHCP) that maps sensitive animal and plant species E-15

has designated wildlife corridors immediately adjacent to Sites 1 and 2; numerous flooding events have occurred on Industry Avenue and environmental buffers are now required; multiple noise and other environmental compliance complaints have been filed regarding WM's operation at Sites 1 and 2.

The facility is currently a diesel-refueling site for approximately 58 fleet refuse and other additional unspecified vehicles Monday – Saturday per the FNMD.

On June 30, 2011 WM applied for a new Development Plan and modification of the CUP (Project) as follows:

> Revision to existing Development Plan (D-9-95) and Conditional Use Permit (C-24-95) for installation of compressed natural gas (CNG) fueling facility to the Waste Management of North County Administration and Fleet Maintenance Facility to allow conversion of existing fleet from diesel to CNG.

The City determined that a Mitigated Negative Declaration was the appropriate environmental review for this project (no dated copy could be located) and no wildlife agencies, San Diego County Department of Environmental Health, Army Corps or the regional water quality control board were directly consulted with. A draft FMND was prepared sometime prior to March 28, 2012 and a Final FMND was prepared on October 29th 2012. Subsequent to comments received, a "focused noise assessment", greenhouse gas emissions calculations, air quality emissions calculations, and a memo called "Relationship to Revised Final Oceanside Subarea Plan" were added to the FMND.

No amended SWPPP was prepared for this project prior to release of the Final FMND or prior to December, 2012.

Under the proposed modification, the number of fleet vehicles specified in the FMND at 58 will remain the same. But earlier documentation prepared for the 1995 hearing, "Operation and truck traffic analysis", indicates the site was approved for approximately 22 pod/refuse vehicles.

E-15 Cont.

E-16

E-17

E-18

E-19

E-20

DISCUSSION

I. <u>Pursuant to Oceanside Zoning Ordinance §4108(E) Revocation: Violations of Existing Development Permit & CUP. Waste Management's CUP should be revoked.</u>

Oceanside Zoning Ordinance §4108(E) *Revocation* states: "A use permit or variance exercised in violation of a condition of approval or a provision of this ordinance may be revoked, as provided in Section 4706 [hearing requirements]". The project is required to meet all zoning and other ordinances and policies in effect at the time of building. (Condition 56). WM has violated numerous conditions of approval of the CUP granted in

E-21

1995 including number of vehicles allowed, landscape requirements, noise ordinance violations, filling a floodway, etc.

E-21 Cont.

Floodway/Floodzone:

The WM facility in question is in violation of Engineering Conditions of Approval sections 24 and 26 of the Resolution. The facility is located in part in an established AE floodway, deemed a Special Flood Hazard area by FEMA, in violation of FEMA and Oceanside Article IX Floodplain Management Regulations because WM failed to obtain necessary permits allowing encroachment, fill and development on the floodway.

Condition of Approval 24 under Engineering requires that, "All site grading, drainage and improvements must meet... the City's Flood Control and Grading Ordinances." Condition of Approval 26 requires that, "Development shall be in accordance with the City Floodplain Management Regulations. Section §6.42.3 of the Oceanside Code *Compliance* mandates that, "No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this article and other applicable regulations." (6.22.3). Per §6.42.2 Oceanside Code of Ordinances, areas of special flood hazard are identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency in the Federal Insurance Study (FIS) of 1987. All provisions of FEMA are adopted by reference. (6.42.2).

E-22

Special Flood Hazard Areas (SFHA) in Zone AE, as identified by FEMA, must be, "... kept free of encroachments so that the 1% annual chance flood can be carried without substantial increases in flood heights." (FEMA legend). "Encroachment" is defined in §6.41 *Definitions* as, "the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain." Section §6.43.1 *Establishment of development* permit requires that, "A development permit be obtained before any construction or other development begins within any area of special flood hazard established in section 6.42.2." (6.43.1). Oceanside Code clearly requires a Development Permit for any construction in a flood zone to ensure that the all construction complies with FEMA. According to the FMND filed in conjunction with the CUP and Development Plan, the project will not result in alterations to the course or flow of floodwaters (Section 3.c. Water Negative Declaration 1995) even though the CNG line will be place on top of new concrete barrier in the floodway that will alter the flow of stormwater and flooding

Floodway/Sensitive Receptors:

The WM Facility in question is in violation of Condition of Approval 32: "The applicant shall obtain the appropriate permits and clearances from the U.S. Army Corps of Engineers and/or U.S. Fish and Wildlife Service and/or California Department of Fish and Game and all appropriate NPDES clearances and permits prior to the issuance of grading permits." Multiple Public Records Requests have not yielded any evidence that WM consulted with any of the necessary agencies, a violation of the Conditional Use Permit.

E-23

Noise:

The WM Facility in question is in violation of Condition of Approval 57: "This Conditional Use Permit shall be called for review by the Planning Commission if complaints are filed and verified by the Code Enforcement Office concerning the violations of any of the approved conditions or assumptions made by the application." Noise complaints alleging violation of the City of Oceanside Noise Code have been filed on a regular basis since 2001 with some as early as 1995, but have gone unaddressed. Residents in the neighborhood just north of the WM facility have requested inspection by the Code Enforcement Office to no avail. The Final FMND dated July 2012 frankly demonstrates and admits that the facility is in violation of the City Municipal Noise Ordinance.

E-24

Landscaping:

The WM Facility in question is in violation of Condition of Approval 62: "All landscaping, fences, walls, etc. on the site, in the medians in the public right of way and in any adjoining public parkways shall be permanently maintained by the owner... The maintenance program shall include normal care and irrigation of landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of landscaped and open areas." The sites were also to be landscaped with "fast-growing screen trees with foliage to the ground and vines on the fence." (Staff report, page 3). At the date of preparation of this memo, there is substantial die-off of the landscaping, no vines present, and few trees are alive and offering visual screening. Those that do exist are in need of trimming to comply with the development plan.

Page 2-5 of the Final Negative Mitigated Declaration dated June 2012 (FMND) acknowledges that, "...the existing oleander bushes outside the fence line and along the eastern site boundary are in poor condition," (FNMD 2-5). While the new project proposes to replace these bushes, WM admits that they have failed to maintain the landscaping, a condition of approval.

E-25

Modifications to Operations:

The WM Facility in question is in violation of Condition of Approval 63: "Any substantial modification in the design or layout shall require revision to the Development Plan and Conditional Use Permit or a new Development Plan and Conditional Use Permit."

Over the years WM continued to add vehicles to this site adding environmental impacts. A document titled "Operation and Truck traffic analysis' prepared for the 1995 hearing and received though a PRA indicates that approximately 25 refuse pod trucks would be onsite; today there 58 as outlined in the FMND plus additional undisclosed types of vehicles. No reapplication for the increased number of vehicles was made by WM.

E-26

A. **Pursuant to Oceanside Zoning Ordinance §4105: Required Findings, Waste Management's failure to comply with the CUP also constitutes a public nuisance, which further justifies revoking the CUP.**

E-27

Oceanside Zoning ordinance §4105 *Required Findings* mandates that the proposed location of the conditional use and its conditions will not, "be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use." In this case, documented noise complaints date back to 1995. Further the FMND and the November, 2012 noise study for USD, along with the numerous noise complaints received by the City all indicate constant, continuous violations of the nighttime noise levels allowable in the City of Oceanside. It does not matter, as a matter of law that WM has been granted longer than usual operating hours. They must comply with the City's ordinances and rules.

E-27 Cont.

II. The City Failed to Proceed in a Manner Required by Law in Allowing the FMND

A. There is Substantial Evidence in the Record From Which it Can be Fairly Argued that the Project May Have Significant Environmental Impacts

Under California Public Resources Code § 21151, the California Environmental Quality Act ("CEQA") requires the preparation of an environmental impact report ("EIR") whenever "it can be ***fairly argued*** on the basis of substantial evidence that a project may have a significant environmental impact." *Sierra Club v. County of Sonoma*, 6 Cal.App.4th 1307, 1316 (Cal. Ct. App. 1992) (citing *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68, 75 (Cal. 1974)) (Emphasis added). A "significant" effect on the environment means "a substantial, or potentially substantial, adverse change in the environment." *Laurel Heights Improvement Assoc. v. Regents of the Univ. of Cal.*, 6 Cal. 4th 1112, 1123-1126 (Cal. 1993).

E-28

If there is substantial evidence of a significant environment impact, contrary evidence is not adequate to support a decision to dispense with an EIR. *Sierra Club*, 6 Cal.App.4th at 1316. For example, a disagreement among experts over the significance of an effect means the agency must treat the effect as significant and prepare an EIR. *Id.* at 1317 (citing *Friends of "B" Street v. City of Hayward*, 106 Cal.App.3d 988, 1000-1001 (Cal. Ct. App. 1980)). The low threshold requirement for initial preparation of an EIR "reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted." *Id.* at 1316-17.

In the case at bar, there is substantial evidence in the record that the WM project would have significant environmental impacts. At the very least, a "fair argument" can be made that such impacts would take place, and therefore an EIR must be prepared. *See Sierra Club*, 6 Cal.App.4th at 1316.

E-29

Biological Resources:

There is substantial evidence in the record that the project may have significant environmental impacts on biological resources. According to the FMND, non-native oleander bushes exist along the eastern property line. The project will involve removal of the non-native oleander bushes along the eastern property line.

E-30

Natural vegetation associated with Loma Alta Creek is also located south of the property line. This vegetation consists of a mixture of freshwater marsh and southern willow scrub and may support special-status birds, including the federally listed endangered least Bell's vireo (Vireo *bellii pusillus).* Loma Alta Creek and adjacent hillsides south of the creek are also known to support the federally listed threatened coastal California gnatcatcher (Polioptila *californica californica).*

The proposed project may have significant impacts on special status birds protected by the Endangered Species Act and the federal Migratory Bird Treaty Act. The bell's Vireo and the coastal California gnatcatcher are known to live in the Loma Alta Creek adjacent to the project site. Both are federally protected species. This evidence demonstrates a "fair argument" of significant environmental impacts on biological resources that require an EIR to be prepared.

E-30 Contd.

Hazards and Hazardous Materials:

There is substantial evidence in the record that the project may have significant environmental impacts resulting from hazards and hazardous materials. According to the Negative Declaration filed August 22, 1995, the proposal will not result in:

> A risk of explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions. (ND 5 II.10).

This Project is a change in the use of the site from diesel to CNG and associated operations. Per the San Diego County Department of Environmental Health (DEH), the property owner must contact the Department of Environmental Health's SAM Division for an evaluation of the site. No documents have been produced indicating an evaluation by DEH. There is nothing in the FMND providing for the presence of various personnel, firefighting equipment, etc. in order to comply with safety procedures, potential spills or accidents.

The Final Mitigated Declaration states that there will be a less than significant impact or no impact in regards to hazards and hazardous materials. (4-22). Compressed natural gas facilities generate two types of waste product: water-based effluent from a gas dryer that is entrained with mercaptan, and compressor-lube oil that may also be entrained with mercaptan.

The water-based dyer effluent is generated from condensation that results from the periodic regeneration of the dryer. The substance occurs when water that is evaporated off the saturated desiccant material in the dryer's main vessel is circulated to the condenser/cooler where the water falls out and is collected in a closed condensed pot. The water has been exposed to natural gas and is entrained with mercaptan; it is the presence of mercaptan that renders the water waste hazardous. Mercaptan is the sulfur/hydrocarbon that gives natural gas its odor, and its concentration varies from a conservative estimate of 50-150 parts per million.

E-31

The oil-based effluent is mostly derived as waste recovered during scheduled lube-oil changes of the CNG trucks. The effluent may also be drained from the blowdown-recovery vessels on each compressor skid, and from CNG-storage vessels that are part of the fats-fill system.

Prior to operation, WM will be required to prepare an update to the on-site Environmental Business Plan, which will entail a description of the two effluents generated at the facility and the storage and disposal procedures proposed to ensure health and safety of on-site workers and the on-site and adjacent natural environment. The updated Environmental Business Plan will be filed with the County Department of Environmental Health. The FMND claims that due to these procedures, the presence of mercaptan-based oil and water effluent will result in a less-than-significant impact on the environment.

The CNG tanks on the new trucks will be equipped with pressure relief devices to allow blow-off and prevent an explosion. There is a fire hazard if CNG is released, but it will diffuse into the air and would not ignite unless an ignition source is present. Usually, any fire would be localized, whereas diesel fuel has a potential to flow from a ruptured fuel tan and impact water quality and public health. The FMND claims that the transport of CNG within the fleet vehicles will reduce potential fire risks associated with vehicle collisions.

The water-based dryer effluent, a hazardous material, falls out of the trucks as a function of the vehicles' cooling system. There is evidence that this material could cause a hazard to soils if it is not properly contained, a significant environmental impact. Similarly, mismanagement of the oil-based effluent could cause a significant environmental impact.

E-31
Contd.

The FMND claims that there is a fire hazard if the CNG is released, but that this risk is not significant because the CNG will dissipate into the air unless a source of ignition is present. The conclusion that there exists no ignition source is not supported by evidence. There will be continued welding and spray paint activities that could precipitate an explosion. No mitigations to avoid this have been offered in the FMND. Further, the FMND states that usually, a CNG fire would be localized whereas a diesel fire would be more dangerous. This is irrelevant since both fire sources, diesel and CNG, will be present on site if the project is approved. The FMND concludes that because the risk is less with CNG trucks than with diesel trucks, the impact is less than significant however both types of trucks may be used on site for at least 10-12 years, thereby significantly increasing potential environmental impacts.

The FMND states that the onsite diesel fuel storage tanks are not located in areas proposed for establishment of CNG facilities, and that no known hazards or previously hazardous conditions that may affect soil quality exist on site. Neither of these conclusions is supported by substantial evidence in the record. First, according to the Preliminary Site Plan for Compressed Natural Gas Time Fill Facility (dated 07-01-11), the location of the existing underground diesel fuel tanks are located within 20 feet of a portion of the proposed CNG fuel lines. Further, the location of the diesel fuel tanks is listed as "approximate" indicating that they could pose a greater risk of release of hazardous

materials both during the fracking and during normal operations. These underground fuel tanks pose the risk of affecting soil quality, a potentially significant environmental impact.

The FMND also acknowledges that there is a risk of accidental release of hazardous materials, such as hydraulic fluid or diesel fuel, but that because the volume of materials would be small and of low concentration, the risk is not significant. This conclusion is not supported by evidence in the record. Even small amounts of diesel fuel and hydraulic fluid, along with other substances, could have a significant effect on soil quality and the sensitive species residing in the adjacent Loma Alta Creek. The assertion that the contractor will use standard construction controls and safety procedures does not render the risk to soil quality and wildlife insignificant.

The FMND asserts that there is a Less than Significant Impact for the project in exposing people or structures to increased danger of wildland fire. The claimed existence of water systems and wetlands near the southern boundary of the project is not a fact support by the record. While Loma Alta Creek does have water running through it at some times during the year, this is not true year round. The area is currently experiencing drought, and wildland fire is a serious danger, especially given the abundance of residences located at the top of the hill to the south of the proposed project. Further, because the facility is working with may be released Considering the presence of hazardous materials on the project site (highly flammable materials including diesel fuel and hydraulic fluids) both from the proposed project and possibly from past projects, there is a "fair argument" of significant environmental impacts. These potential impacts require an EIR to be prepared.

E-31 Cont.

Hydrology and Water Quality:

There is evidence in the record from which it can fairly be argued that there may be significant environmental impacts to hydrology and water quality. The project requires a fueling station and large dual compressors be built in the floodway/floodplain and vehicles will be fueled in the floodway/floodplain from CNG lines placed on top of concrete barriers, which are prohibited encroachments. "Encroachment" is defined in FIS §6.41 *Definitions* as, "the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain."

Further, the project construction requires directional drilling, which would temporarily expose spoil soil, which could result in runoff contamination (4-30). Additionally, hazardous substances will be used during construction, and if released, could cause an accidental toxic chemical exposure to the neighboring environment.

E-32

Also, there is evidence from the FMND from which it can fairly be argued that construction will alter the existing drainage pattern of the site or area (4-31). Although no changes are proposed to the existing water, wastewater, or storm drain systems, a project of this scale, with infrastructure construction, a new natural gas line 30 inches below ground, gas lines above ground concrete barriers and changes in landscaping and irrigation will likely have an impact on the entire drainage system, especially with Loma

Alta Creek nearby. Additionally, there is evidence in the FMND from which it can fairly be argued that the project may impede or redirect flood flows. The project will result in new structures within a 100-year floodway (4-32). . The FMND proposes no mitigation measures to control changes to the current drainage system or potential impacts to flood flows, and therefore the proposed mitigation measures are inadequate. No hydrology study was prepared for the FMND.

There is evidence in the FMND from which it can fairly be argued that the project will exacerbate already existing sensitive conditions. The Loma Alta Creek is an environmentally sensitive freshwater creek and wetland area. Drainage is currently treated on site through a coalescing oil/water separator before discharge into the Creek, and no change would be made to the system (4-33FMND. The proposed mitigation measures of implementing best management practices for erosion control and hazardous material storage during the construction phase, and it is not clear from the record that these measures will reduce the impacts to a level of insignificance.

Further, this area has demonstrably high groundwater occurrence since it is in the floodway and floodplain. Public information that indicates flooding in this area, as well as the hydrology test drilling for the proposed Robertson's project also demonstrate a high potential for groundwater and flooding in the Industry Street Area as well as a high risk for liquefaction. The FMND does not address this environmental impact at all nor does it offer any mitigations if groundwater or liquefaction are found during construction. It does not offer any mitigations should flooding occur on the site such as removing vehicles that leak hydraulic fluid, diesel fuel, or other such hazardous substances that will flow into Loma Alta Creek. Indeed it is unclear where the actual construction of the CNG line will take place. Because this evidence presents a "fair argument" of significant impact, an EIR must be prepared.

E-32 Cont.

Noise:

There is substantial evidence in the record that the project may have significant environmental impacts on noise. A Focused Environmental Noise Assessment (FENA) was conducted for the proposed project and determined the site was in violation of the City of Oceanside Municipal Code, Noise Control, between the hours of 5:30 a.m. – 7:00 a.m. along the southern property line. (FMND Noise Assessment 4.)

At the request of USD Environmental Law Clinic an independent noise study was under taken. The Eihler's noise study (Eihler) indicates multiple violations of the Oceanside Noise Ordinance. The Eihler study measured noise ordinance violations in the early morning or so-called 'nighttime hours' over a period of three days. This study shows exceedences of the industrial limit, for adjacent residential areas and the sensitive habitat creek areas.

E-33

Additoinally, many of the standard operating procedures currently in effect will change once the facility is converted to CNG and only exacerbate the existing noise ordinance violations. A major change is the trucks, which currently have the fill source in

the back of the trucks, mandates they back into the fueling stalls upon returning the to the facility at night. With the CNG trucks, the fill source is in the front of the trucks, meaning that they will pull into the fueling stalls at night and back up in the early morning hours. This requires a change to the layout of the facility, as confirmed by the FMND and creates more noise. Further the addition of two huge compressors will create additional noise (they cannot be house in a building) along with other operational changes that will make this a 24 hour gas station. This will create additional and continuing violations of the Oceanside Municipal Noise Ordinance, violates the Land Use Element Noise Policy and Oceanside's zoning ordinance. Such operations must occur primarily indoors or else 'all environmental impacts ...be mitigated in accordance with the California Environmental Quality Act" (p30-35) and must not exceed the ordinance early in the morning or at any time with prohibited equipment such as air hammers or other highly objectionable noises. It is well documented that such violations are constantly occurring as evidence by complaints from Scott and others.

E-33 Cont.

This evidence of noise within the proximity of residential areas presents a "fair argument" of significant environmental impacts which must be addressed in an EIR.

Transportation:

There is substantial evidence in the record that the project may have significant environmental impacts due to traffic caused by construction and operation of the project. During construction, traffic will be affected from construction vehicles and crewmembers accessing the site, and due to a closure of parts of Oceanside Boulevard (or Industry Street – the record is not clear on this) while drilling the natural gas line (4-45). The partial closure of a main street in Oceanside, while access of vehicles to the site is increased, demonstrates that there will be in impact on traffic congestion and access of emergency vehicles. This evidence presents a "fair argument" that increased traffic in the relatively small city of Oceanside will cause a significant environmental impact that requires an EIR to be prepared.

E-34

Conclusion:

Based on the substantial evidence cited above, there is at least a "fair argument" that the project may cause significant environmental impacts. Therefore, CEQA requires an EIR, not an MND, to be prepared. Because the City only required preparation of a FMND when there was a fair argument of significant environmental impacts, it failed to proceed in a manner required by law.

E-35

B. There is Substantial Evidence in the Record that the Proposed Mitigation Measures Are Inadequate and the Project Would Still Have Significant Environmental Impacts.

There are two situations in which an EIR need not be prepared. If there is no substantial evidence that the project may have a significant environmental impact, CEQA allows a negative declaration to be prepared. *San Bernardino Valley Audubon Society v.*

E-36

Metro Water Dist., 71 Cal. App. 4th 383, 389-90 (Cal. Ct. App. 1999). If the initial study does identify potentially significant environmental effects but revisions in the project plans would avoid the effects or mitigate the effect to a point where (1) "clearly no significant effect on the environment would occur" and (2) there is "no substantial evidence that the revised project may have a significant effect on the environment," a mitigated negative declaration ("MND") may be prepared. *Id.* at 390 (citing Pub. Res. Code § 21064.5). Therefore, upon the issuance of an FMND, the project opponent must demonstrate by substantial evidence that (1) the proposed mitigation measures are inadequate, and (2) the project as revised and/or mitigated may have a significant adverse effect on the environment. *Id.*

Many of the mitigation measures identified by WM and the City are inadequate to remedy the significant environmental impacts posed by the project. Accordingly, the project as revised would still have significant environmental impacts. Therefore, an EIR should have been prepared to address all potential mitigation measures.

E-36 Cont.

Biological Resources

The FMND says that direct impacts to special-status species will not occur as a result of installation of the CNG fueling facility or the modifications to the maintenance building but concedes that removal of the non-native oleander bushes may result in impacts to nesting birds that are protected by the federal Migratory Bird Treaty Act. The FMND claims that in order to avoid this potential impact, mitigation will be provided. FOLAC suggested a species specific plant replacement, Artemisia californica. The City and WM has refused to mitigate with this species appropriate plant.

The FMND asserts that direct impacts to sensitive vegetation and any species that may be using this habitat for breeding, fledging, or foraging will not occur. WM alleges less noise will be associated with the proposed project compared to the existing condition (see Section 14.12, Noise), thereby reducing noise levels that any potential sensitive species is currently being subjected to in off-site areas. Therefore, significant indirect impacts to special-status species located off site, south of the project, will not occur. However, the cumulative noise impacts will occur and further impact these species. There is evidence in the record to suggest that there may be a significant impact on the biological resources adjacent to the WM site.

E-37

The FMND also asserts that there will be less noise associated with the project so the species will not be affected by noise. There is evidence in the record to suggest that this is not true. Under the current design of the site, trucks back into their stalls in the evening to cut down on the use of back up beepers in the morning hours. When the site is converted to CNG, the trucks pull forward into their stalls upon returning to the site in the evening, and will back up out of the stalls, activating the back-up beepers that sound at 85 dB, between the hours of 5-7 AM. This and the addition of huge compressors and other fans may have a significant impact on both federally protected species and it is not addressed in the FMND.

Hydrology and Water Quality:

The FMND outlined two mitigation measures to reduce the impacts to a level of insignificance although no mitigations are present regarding the floodway/floodplain encroachments. WM states that they will obtain approve of a site-specific Erosion Control Plan from the City Engineering Department in the future, which will include a list of "best practices" for the contractor to use. There are no facts to elaborate on what these practices entail, the feasibility of these practices to this project specifically, whether the contractor is capable of implementing these practices, or the likelihood of the City approving such a plan. This is not enough evidence that practices are sufficient and will be used, and therefore this mitigation measure is not enough to reduce impacts to a level of insignificance. Second, during the construction period, WM will apply standard best management practices such as proper storage, use, and disposal of construction materials, and will provide protection of all storm drain inlets downstream of the construction site. Again, this mitigation measure is vague, as there is no mention of what proper methods should be, and whether it is in fact feasible by the designated contractors.

E-38

Noise

FMND proposed noise mitigation measures would not reduce the project noise to a level of insignificance. Maintenance efforts create loud noises during nighttime hours (11:01pm to 6:59 am). The evidence shows that WM does not perform all their maintenance operations indoors as required, they use prohibited noise producing tools during nighttime hours, they are in violation of the Noise Ordinance between 6 and 7am (FMND noise studies and Eihler noise study), plus they are adding two huge compressors that will generate additional noise 24 hours a day. Further, their proposed mitigation measures to replace diesel trucks with CNG trucks, which could take as long as 12 years, is not a reasonable mitigation measure nor will it put them in compliance with the noise ordinance levels required for sensitive species to the south, the industrial noise limits, or the residential noise limits. As proposed, the city's CNG/Diesel truck replacement plan also constitutes an improper deferral of mitigation measures. Formulation of mitigation measures should not be deferred until some future time, as is the case here. Guidelines § 15126.4(a)(1)(B); *Communities for a Better Environment v. City of Richmond*, 184 Cal. App. 4th 70, 92-96 (Cal. App. 1st Dist. 2010). Also, WM project and proposed project is in violation of the Noise Ordinance, the Land Use Element and the Zoning Ordinance.

E-39

There is no evidence in the record that the mitigation measures proposed by the FMND to reduce noise levels from the project site during and post- construction would reduce the impact to a level of insignificance. The mitigation measures proposed to reduce loud noises during construction are that "Waste Management makes best efforts to move any loud operations inside the shop after late night hours, and tries to avoid the use of loud equipment to the extent possible" (4-41). This mitigation measure is not specific enough in its methods, and does not commit the employees to any methods to reduce their noise pollution while working. The most certain term used is that any efforts will be made after late night hours, which excludes any mitigation measures employed during the majority of

each day. Accordingly, there is evidence in the FMND from which it can be argued that the environmental impacts have not been mitigated to a level of insignificance. All the additional noise sources as described above add cumulative environmental impacts that have not been addressed in the FMND at all.

E-39 Contd.

Transportation

There is no evidence in the record that the mitigation measure proposed, the implementation of a "traffic control plan" will be sufficient to reduce the level of traffic. The plan has not been outlined with any detail in the FMND, and it is therefore uncertain whether the mitigation will be effective. There is reference to the plan as outlined in Table 2-1, but Table 2-1 is a summary of the project and outlines no traffic plan. Table 2-2, on the other hand, states that the plan shall outline procedures for notifying the Police and Fire Departments of the road closures, so that they may notify "other public service providers" (2-9). There is no mention of any action for emergency services to follow other than notification, and provides no help for the level of traffic congestion projected. Furthermore, the plan is stated as mitigating the problem of emergency access to the site, and not of relieving traffic congestion on Oceanside Boulevard, which is of a much different scale. Accordingly, the mitigation measures that the FMND relies on are not sufficient to show that the impacts have been mitigated to a level of insignificance

E-40

Conclusion:

Because the mitigation measures proposed by WM do not address all potentially significant environmental impacts, an EIR must be prepared to address all potential impacts and all possible mitigation measures. Only then can the City of Oceanside determine whether there is still a "fair argument" that those environmental impacts exist.

E-41

III. The Findings in the FMND are Not Supported by Substantial Evidence

Pursuant to CEQA's code § 15070, the conclusions set forth in an FMND must be supported by "substantial evidence, in light of the whole record before the agency..." WM has failed to base their conclusions on substantial evidence concerning the levels of impact to the stated areas above. For this reason, the MND is invalid.

E-42

Response to Comment Letter E

USD Environmental Law Clinic

Undated; received January 11, 2013

The undated comment letter from the University of San Diego Environmental Law Clinic (USD) was received by the City on January 11, 2013, substantially after the close of the public comment period on April 28, 2012. In accordance with CEQA Guidelines Section 15074(b)(1), the following responses to comments are nevertheless provided for the Planning Commission's consideration and for the record of proceedings should one need to be prepared.

E-1 Comment noted. These are the issues raised by the commenter. A response to substantive comments related to these issues will be provided in these responses.

E-2 The City disagrees that revocation of the current CUP is warranted or appropriate, and will respond to the specific allegations in its responses to comments E-31 through E-39. In addition, the only matter before the Planning Commission at the January 28, 2013 hearing is to hear and decide on the proposed CNG project. As of this time, no determination has been made by the City Planner of reasonable grounds for revocation, and notice of a public hearing has not been provided. Oceanside Zoning Ordinance, Section 4704.

E-3 The City disagrees with these conclusions, and will respond to the specific allegations in responses to comments E-28 through E-42.

E-4 The background information in this comment was derived from the FMND, and no new information was provided. The City disagrees with the commenter's characterization of this project as a "major" project. The City staff report, at p. 2, describes the project as "[a]ddition of minor site improvements....because of the use of CNG" and "minor interior improvements." The CNG project is a revision to the existing project approved in the 1995 CUP, and not a new project. There is no change in use at Site No. 1 or a change in basic operating parameters, and the Conditions of Approval for this CNG project would not invalidate the 1995 Resolution of Approval or its conditions. The impervious area of disturbance is less than 2,500 square feet, which is a "minimal area of disturbance" that is exempt from the City's SUSMP requirement. FMND, p. 4-30.

E-5 The site plan included as Figure 4 of the MND (both the Draft MND for public review and the FMND) show the gas line connection to Oceanside Blvd., as described on page 2-8. The City disagrees with the commenter's characterization of the gas pipeline extension as a "major construction activity," for the reasons provided in Response to Comment E-4.

E-6 The City acknowledges that FOLAC provided comments to the Draft MND, which were responded to in the responses to Comment Letter C. The City acknowledges that FOLAC has previously made noise complaints regarding existing operations, and have participated in meetings with the applicant, where reasonable attempts have been made to address those concerns. Among other things, Waste Management has adopted a good neighbor policy and provided training to its employees to implement the policy and be sensitive to concerns of its neighbors. Additionally, the back-up alarms on the existing diesel collection fleet serving the City of Oceanside have been converted to "white-noise alarms" as requested in comment letter from FOLAC on the draft MND. However, none of those noise complaints are related to the proposed CNG project, which is predicted to create less noise than under current conditions and will comply with the Oceanside noise ordinance.

E-7 The project was first officially noticed for Planning Commission hearing on December 3, 2012. Any prior hearing dates would have been tentative. That meeting was continued until January 14, due to staffing availability, and further continued to allow review and response to the commenter's letter, which was not received by the City until January 11, 2013, well outside of the public comment period for the Draft MND.

E-8 The City acknowledges the description of the 1995 CUP process.

E-9 The summary of the 1995 approvals in this comment is not accurate. The staff report for the D-9-95 and C-24-95 applications state that the existing activities at Site No. 1 prior to the 1995 approvals included the Administration Building, Bin Maintenance Building, Truck Parking for 52 vehicles, Storage Yard, Fuel Island and Truck Scale, and noted that all truck access to this site was taken off of Industry Street. Employee and visitor parking spaces were located north and west of the administration building, with access off of Oceanside Boulevard. There was no relocation of the access points.

New proposed uses of the Site No. 1 property associated with the 1995 approvals were truck maintenance, truck wash operation and bin wash area, with a new fueling system including underground diesel tanks. The existing administration building had 3,000 square feet of roof area raised from 18'6" to 32'-0" to accommodate truck maintenance operations within the building. A bin wash bay was added to the rear (south side) of the existing administration building and a pre-engineered truck wash structure installed east of the administration building. The truck parking area accessed off of Industry Street was paved and striped for 57 parking spaces.

The discussion of the "no" responses on the 1995 initial study checklist indicated:

"Based on review of the City's Environmental Data Base, relevant background studies, previous environmental documentation and staff input, it has been determined that no substantial evidence exists in the public record which indicates the potential for significant environmental impacts associated with the project as proposed including conditions of approval imposed by the City."

As noted in the staff report and negative declaration, the site is located in a zoned industrial area of the City, designated as General Industrial, and developed with industrial uses.

E-10 The commenter's assertion regarding a condition of approval requiring a SWPPP update apparently refers to CUP Resolution Approval conditions 24 and 44, where stormwater control measures and a SWPPP are subject to City approval prior to issuance of a grading permit. The applicable SWPPP would be a construction SWPPP. However, these conditions were not applicable since no grading permit was required or issued.

The State Water Resources Control Board (State Board) and Regional Water Quality Control Board (Regional Board) administer the NPDES stormwater management program in San Diego County. Waste Management is required to prepare, implement and update an industrial SWPPP related to operations (latest update April 2012) which includes information regarding lubricants, hazardous material and the underground diesel tanks as required. However, that industrial SWPPP goes beyond the City's requirements in the 1995 CUP related to stormwater impacts from construction.

Operation-related stormwater control and treatment measures are being implemented in accordance with the industrial SWPPP and will remain in place. FMND, p. 4-35. The current industrial SWPPP is not related to the matter before the Planning Commission, and no analysis of that document is required.

A construction SWPPP would potentially be applicable to implementation of the CNG project, but due to the minimal area of disturbance, the City has determined that a construction SWPPP is not required for the CNG project. FMND, p. 4-31.

E-11 The City disagrees with this comment. The commenter appears to have misunderstood the 1995 Description & Justification. The "raised elevation" refers to increasing the roof height of the administration building. The summary of physical improvements later in the Description & Justification, as well as the staff report for the project, explain this improvement, which increased the roof height from 18'6" to 32'0" to accommodate truck maintenance operations within the building. There was no grading or floodway filling at the south end of the site adjacent to the creek as stated in the comment. Accordingly, no wildlife agency, FEMA, Army Corps or Regional Board permits were needed, as fill activities did not occur. No grading permit was required or issued by the City. The City believes that the underground diesel tanks were constructed in accordance with applicable requirements as of the date of submittal, in accordance with the 1995 Resolution of Approval Conditions 1 and 56, and the commenter acknowledges that it has no information demonstrating that the requirements were not complied with. The tanks nevertheless remain part of the existing environment which the proposed revision to the existing facility will not alter. All responsive records located in the City's files were provided in accordance with requests made under the Public Records Act.

E-12 The City acknowledges comments made by commissioners at the 1995 Planning Commission hearing. No stormwater detention basin is on the site, because none is required. The FMND, at p. 4-35, states that "[d]rainage associated with the existing facility is treated on site through a coalescing plate oil/water separator and then discharged to Loma Alta Creek. No aspect of the CNG project would alter the existing drainage pattern or treatment system." (See *Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885 [upholding City's reliance on a mitigated negative declaration in approving a 219-lot residential subdivision, concluding that the neighbors' general concerns regarding drainage and erosion did not rise to the level of a "fair argument" requiring environmental review].) The State Board and Regional Board administer the NPDES stormwater management program in San Diego County.

E-13 The City acknowledges comments made by commissioners at the 1995 Planning Commission hearing. The hours of operation noted in the comment are as stated in Planning Commission Resolution No. 95-P51. It should be noted that operations were taking place during the 5:30 am – 7:00 am period prior to the approval of the 1995 CUP, which has been the primary area of concern in noise complaints submitted by FOLAC. The modifications to the project site do not involve an increase in the hours of operation.

E-14 The development approved by the 1995 Resolution of Approval is described in that document and the staff report. The City disagrees with the assertion that project approval was improper, and notes that the time for challenging that project expired many years ago. The City acknowledges the opinion of the commenter that applicant's prior operations could not have been properly approved at any location, and notes that no evidence in support of this opinion was provided. The 1995 Resolution of Approval (p. 2) found that the project approved at that time was "consistent with the objectives of the Zoning Ordinance and the purposes of the IG (Industrial General) Zone," and consistent with relevant General Plan policies. As a result, the City believes that approval of this development and related operations at this location was proper, and no timely challenge to that determination was made. All responsive records located in the City's files were provided in accordance with requests made under the Public Records Act.

E-15 The City acknowledges that legal requirements are evolving. However, 1995 Resolution of Approval Condition 1 expressly stated that "[a]pplicable Building Codes and Ordinances shall be based on the date of submittal of Building Department plan check. Condition 56 required compliance with "all current zoning standards and City ordinances and policies in effect at the time building permits are issued." The 1995 Resolution of Approval expressly precludes what this comment is attempting, which is the ex post facto application of laws or regulations taking effect after the completion of the development.

E-16 This comment accurately describes the number of waste collection vehicles currently in operation and the description of the requested CUP modification.

E-17 The City disagrees with this comment. There is no requirement for the City to consult with the listed agencies prior to making a determination to prepare a Negative Declaration. The draft Mitigated Negative Declaration for the CNG project was circulated for a 30-day public review, including circulation through the State Clearinghouse (SCH No. 2012031089). The State Clearinghouse submitted the document to the following state agencies: Resources Agency, Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 11; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission California Energy Commission; and Public Utilities Commission. The only agency that provided comments was the Department of Toxic Substances Control, whose comments with responses are included in the FMND.

E-18 This comment accurately describes the contents of the FMND. The Draft MND did include some of the listed studies, and the FMND clearly indicates additions between the draft and final in response to comments, including additions to the focused noise assessment and the subarea plan memo.

E-19 Due to the minimal area of disturbance, the City has determined that a construction SWPPP is not required for the CNG project. FMND, p. 4-31. The applicant has a current industrial SWPPP.

E-20 The 1995 staff report (pp. 2-3) indicated that at the time, 52 vehicles were in operation, and the development plan provided for 57 waste collection vehicle parking spaces. The 57 parking spaces shown in the 1995 development plan corresponds almost exactly with the 58 waste collection vehicles currently in operation. Moreover, there is no provision in the 1995 Resolution of Approval placing any restrictions on the number of collection vehicles in use. The number of collection vehicles is unrelated to "design or layout," and no revision to the original Development Plan application was required. The 1995 initial study determined that an overall increase in traffic was not anticipated, because of reorganization of operations at the three sites. No timely challenge to this finding was made. The proposed revisions to the project do not include an increase over existing realized (58) waste collection vehicles; therefore, no new potentially significant adverse environmental impacts were identified over the existing baseline conditions.

E-21 This comment accurately cites portions of the Oceanside Zoning Ordinance. More importantly, it acknowledges that any analysis of whether a violation has occurred would be based on "ordinances and policies in effect at the time building permits are issued." The City disagrees with most of the commenter's conclusions regarding alleged violations of the 1995 Resolution of Approval. A detailed discussion will be provided in the Responses to Comments E-22 through E-27.

E-22 The City disagrees with this comment. The development approved in the 1995 Resolution of Approval did not involve any grading or floodway filling. No encroachments were placed in the floodway. As a result, FEMA requirements and the

Oceanside Floodplain Ordinance were not applicable. Consistent with Condition of Approval 24, drainage associated with the existing facility is treated on site through a coalescing plate oil/water separator and then discharged to Loma Alta Creek. FMND, p. 4-35. The City finds that the current stormwater control measures are adequate. The commenter provides no evidence that NPDES requirements in effect in 1995 were not complied with.

In addition, it should be noted that Conditions of Approval 29-33 for the CNG project require compliance with the Oceanside Floodplain Management Ordinance and FEMA requirements, and further requires a detailed hydrology study as part of the project's final engineering. The proposed Conditions of Approval for the CNG project specifically require verification and certification that there is no increase in the base flood elevation from proposed improvements prior to authorization for any encroachment (Conditions of Approval 29-33). This is because the CNG project involves the placement of encroachments (K-rail and concrete light-pole bases) in the floodway. This determination is based on a clear standard of performance for "A No Rise Certification." See Response to Comment E-28 for more detailed discussion of legal standards.

E-23 The City disagrees with this comment. The development approved in the 1995 Resolution of Approval did not involve any grading or floodway filling. No encroachments were placed in the floodway. No grading permit was required or issued by the City. As a result, 1995 Resolution of Approval Condition 32 is not applicable. In addition, the development took place in a previously-disturbed area without any wetlands of native habitat areas. As a result, no Army Corps, U.S. Fish & Wildlife Service or California Fish & Game approvals were appropriate or required. The commenter provides no evidence that NPDES requirements in effect in 1995 were not complied with.

E-24 The Focused Environmental Noise Assessment included in the FMND noted that under existing conditions, the Noise Ordinance standard of a one-hour average of 65 dBA L_{eq} was exceeded during the 5:00 am and 6:00 am hours at the southern property boundary of Site No. 1. FMND, Appendix C, p. 9. However, with implementation of the CNG project the City's noise requirements would be complied with, because new CNG waste collection vehicles produce less noise than diesel collection vehicles. FMND, Appendix C, p. 12.

The City's Noise Ordinance, found at Section 38.12 of the Oceanside Municipal Code, sets standards applicable at the "boundaries of the property." If those levels are exceeded, Section 38.13 provides that notice to the owner would be given, along with a range of potential responses that include reducing the level of noise or developing a plan to bring the noise into conformance. The City's Code Enforcement Division has not validated that the subject site is in violation of the City's Noise Ordinance; therefore, no Notice of Violation has been issued to the Waste Management Facility.. As a result, the City has concluded that seeking revocation of the 1995 CUP is not warranted.

Moreover, Waste Management has demonstrated its good faith by converting the back-up alarms on the existing diesel collection fleet serving the City of Oceanside to "white-

noise alarms" as requested in comment letter from FOLAC on the draft MND, in advance of implementation of the CNG project.

The Eilar noise study included with USD's comments provides no additional information with respect to Site No. 1 that would change the City's determination. Moreover, Eilar's noise measurements at Site No. 2 for the critical 6:00 am hour average 2 dBA less than for Site No. 1. Moreover, the location of the Site No. 2 measurements were likely influenced by ambient noise, in particular truck traffic on Industry Street.The City concludes that there is insufficient evidence to find a violation of the noise standards at Site No. 2. Moreover, the totality of the evidence in the record shows that the modifications to the project site (i.e. the use of quieter CNG fueled trucks and changes to the backup beepers), will result in a decrease in existing noise levels, as explained above, such that the project will not result in any new cumulatively considerable significant adverse noise impacts under CEQA.

The City has determined that there is insufficient evidence to call the 1995 CUP for review by the Planning Commission. The noise complaints, which were received almost entirely from one resident on Hoover Street (Nadine Scott, co-founder of FOLAC), could not be verified. In particular, actual noise measurements on Hoover Street taken by Dudek on May 31, 2012 indicated that while discernable, noise from the current facility between 5:30 am – 6:30 was less than ambient noise, primarily noise from traffic on Oceanside Boulevard. Facility noise was at least 10 dB less than hourly average of 57 dB. FMND, Appendix C to Appendix C, p. 1-2. The Dudek report determined that after implementation of the CNG project, noise levels at this location on Hoover Street would be up to 42 dB, and would, if applicable, be consistent with the City's noise criteria.

The Eilar noise study calculates that under current operations, noise levels at the Hoover Street location would be 47.3 dBA. However, that analysis is solely based on distance attenuation only, and did not consider ground absorption, intervening structures, vegetation, humidity or wind direction. In addition, it did not consider the effect of future noise reductions from the use of CNG collection vehicles. As a result, the Eilar analysis does not provide substantial evidence of any additional impacts associated with subject project, and if anything provides further documentation that noise complaints could not be verified.

E-25 The City disagrees with this comment. The reason for die off of oleanders along the eastern boundary of Site No. 1 is due to plant disease (Response to Comment C-32), and is not directly attributable to the failure to provide "normal care an irrigation of the landscaping." During the time this project has been on file, the oleanders were removed to limit spread of the disease. As noted, these were non-native species, and there was no potential for impact from their removal, which was done during the fall, outside any potential breeding season activity.

Moreover, the CNG project provides for replacement of the oleanders, a non-native plant species, with native plant species at this location. FMND, p. 2-5.

E-26 The City disagrees with this comment. There has been no change to the "design or layout" of the current facility. The 57 parking spaces shown in the 1995 development plan corresponds almost exactly with the 58 waste collection vehicles currently in operation. Moreover, there is no provision in the 1995 Resolution of Approval placing any restrictions on the number of collection vehicles in use. The number of collection vehicles is unrelated to "design or layout," and no revision to the Development Plan application was required.

E-27 The City acknowledges the provisions of the Oceanside Zoning Ordinance. The allegation of public nuisance is based on noise complaints received almost entirely from one resident on Hoover Street (Nadine Scott, co-founder of FOLAC), which cannot be verified. See Response to Comment E-24 for a more detailed discussion. There is insufficient evidence to conclude that the current operation of the facility has resulted in a nuisance. Further, implementation of the CNG project will reduce noise at the Hoover Street location to 42 dB, consistent with City noise standards it they were applicable.

E-28 The City disagrees with this comment. The "fair argument" standard asserted by the commenter does not apply because the application currently before the Planning Commission is for the revision of a previously approved project. (See Pub. Resources Code, § 21166; CEQA Guidelines §§ 15162, subd. (b) [allowing preparation of a subsequent negative declaration for changes made to a previously approved project].) The facts here are very similar to those in *Benton v. Board of Supervisors* (1st Dist. 1991) 226 Cal.App.3d 1467. *Benton* involved a modification of a winery project through use of a mitigated negative declaration where the original project had also been approved through a mitigated negative declaration. *Id.*, at 1473. Under those circumstances, the determination of whether an EIR was required was based upon CEQA Guidelines Section 15162, which require a supplemental or subsequent EIR only when:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration,

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR,

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Benton held that this standard applied where the prior project was approved through the use of a mitigated negative declaration. *Id.*, at 1479-1480. The court saw no reason to reach a different rule, even though this CEQA Guidelines section did not specifically mention mitigated negative declarations. *Id.* Based on that determination, the *Benton* court then held that the "substantial evidence" test should apply when evaluating whether a second mitigated negative declaration was properly issued pursuant to CEQA Guidelines Section 15162 (*Id.*, at 1481), and that the adoption of a mitigated negative declaration was proper unless there is substantial evidence that one of the three conditions in CEQA Guidelines Section 15162 applies (*Id.*, at 1482).

Even if the "fair argument" standard were to be applied for this CNG project, the comment does not reflect the inclusion of "substantial evidence" in this record.

Substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. "Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment." (Pub. Resources Code, Section 21080, subds. (e)(1)–(2).)

E-29 The City disagrees with this comment. City staff has concluded that, with mitigation, the revision to the existing project site do not require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. (CEQA Guidelines, § 15162(a).) The City's conclusions are based upon substantial evidence. FMND, p. 4; p. 4-52 – 4-53. The commenter has not provided substantial evidence that any of the conditions set forth in CEQA Guidelines Section 15162 apply. Moreover, even if the "fair argument" standard did apply, there was no fair argument presented "on the basis of substantial evidence" that significant impacts would result. A detailed discussion will be provided in Responses to Comments E-30 through E-35.

E-30 The City disagrees with this comment. The commenter does nothing more than speculate about potential impacts to biological resources identified in the FMND (pp. 4-

11 – 4-16). The mere potential existence of natural vegetation or protected species does not in and of itself result in a significant impact. The commenter's assertion is not based on substantial evidence, and is nothing more than "argument, speculation, unsubstantiated opinion or narrative." The commenter did not present any substantial evidence that any of the conditions set forth in Guidelines Section 15162 apply. To the contrary, the FMND provides substantial evidence showing that the project would either not have a significant impact, or in one instance (the removal of oleanders) with mitigation would not result in a significant impact. During the time this project has been on file, the oleanders died due to disease, and were removed to limit spread of the disease. As noted, these were non-native species, and there was no potential for impact from their removal, which was done during the fall, outside any potential breeding season activity.

Since the project would be contained within the existing already developed fueling facility site, no native or potential least Bell's vireo or California gnatcatcher habitat removal would result. In addition, project construction is planned to occur prior to March 15 (outside the breeding season for the least Bell's vireo) such that any indirect impacts from noise to nesting species would be avoided. However, in the case of project delays the project would adhere to the requirements of the draft Oceanside Subarea Plan (FMND, Appendix D), which will ensure indirect construction noise impacts to least Bell's vireo will be less than significant, if construction is delayed.

E-31 The City disagrees with this comment. The commenter restates potential impacts identified in the FMND related to hazards and hazardous materials (pp. 4-23 – 4-28), and then simply concludes there is a significant impact without citation to any fact, reasonable assumptions predicated on facts, or expert opinion supported by facts. The commenter's assertion is nothing more than "argument, speculation, unsubstantiated opinion or narrative." The commenter did not present any substantial evidence that any of the conditions set forth in Public Resources Code Section 21166 or Guidelines Section 15162 apply.

To the contrary, substantial evidence in the record supports the City's finding of a less than less than significant impact. Contrary to commenter's assertion, the FMND expressly provides that it must register with the Department of Environmental Health and update the on-site Environmental Business Plan. FMND, p. 4-24. The comment acknowledges this, but provides no substantial evidence as to why it would be insufficient to avoid a significant impact. The environmental business plan is based on a clear standard of performance as required by the Health and Safety Code and Title 22 of the California Code of Regulations. See *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 [City did not impermissibly defer mitigation for seismic impacts when relying on applicable Building Code and other regulations requiring soils and geotechnical investigations which would lead to site-specific design of foundations and structural systems]).

The commenter's concerns about potential fire hazards are complete speculation, and do not constitute substantial evidence. Because the ignition temperature of CNG is 1080°F,

compared to 410°F for diesel, CNG vehicles pose less fire hazard than diesel vehicles, any replacement of diesel vehicles results in less impact than with current operations, which the commenter acknowledges were determined in 1995 to not pose a significant risk of fire or explosion. There is no support for the conclusion that the proximity of the gas line and the diesel tanks creates a significant risk of fire or explosion, especially since both are underground and are very unlikely to have a release of vapors to the atmosphere. City staff has been provided a drawing from the applicant confirming that the CNG facilities are not in close proximity to the underground diesel tanks. The claim that the existing underground diesel tanks would affect soil quality is completely speculative, in addition to being unrelated to the current CNG project proposal. There was no substantial evidence of any release from these tanks presented by the commenter, or any reasoned explanation how they would result in a significant fire or explosion hazard. Likewise, the commenter provides no substantiation of how small fuel or lubricant leaks would result in a significant fire or explosion hazard. To the extent this comment goes to releases of these materials in stormwater, that is addressed through the current stormwater control measures and the current industrial SWPPP (see Response to Comment E-17 for more detailed discussion). Finally, claims regarding a potential hazard from wildfires do nothing more than note the existence of undeveloped areas located beyond existing Sprinter line and Skylark Dr. to the south of Site No. 1, then leap to a conclusion of significant impact without any basis in substantial evidence. The commenter fails to acknowledge substantial evidence in the record that most of the area around Site No. 1 is industrial, and that water systems are available for fire protection purposes. FMND, p. 4-28. The MND was not required to speculate about each possible scenario envisioned by the commenter. (See *Citizens' Committee to Save Our Village v. City of Claremont* (1995) 37 Cal. App. 4th 1157, 1170-1171 [finding expert opinions that rely solely on speculation and conjecture do not constitute a "fair argument" any more than lay opinions would].)

E-32 The City disagrees with this comment. The commenter restates potential impacts identified in the FMND related to hydrogeology and water quality (pp. 4-29 – 4-36), and then simply concludes there is a significant impact without any basis in substantial evidence. The commenter's assertion is nothing more than "argument, speculation, unsubstantiated opinion or narrative." The commenter did not present any substantial evidence that any of the conditions set forth in Guidelines Section 15162 apply.

The FMND discloses that encroachments will be placed in the floodway. However, that mere fact does not mean than it would impede or redirect flood flows in a way that would result in a significant impact. The commenter indicates the proposed improvements are "prohibited encroachments", which is not accurate. The definition of encroachment included in the comment clearly indicates the requirement that alteration of the flow capacity of a floodplain must occur to meet the definition. The commenter does not provide any substantial evidence, or even go so far as to suggest there would be a significant impact (see Response to Comment E-22 for more detailed discussion). The proposed Conditions of Approval for the CNG project specifically require verification and certification that there is no increase in the base flood elevation from proposed improvements prior to authorization for any encroachment (Conditions of Approval 29-

33). This determination is based on a clear standard of performance. (See *Schaeffer Land Trust v. San Jose City Council* (1989) 215 Cal. App. 3d 612, 624-625 [upholding negative declaration, in part, because it expressly stated that any future development would be required to conform to applicable city performance standards].)

The commenter offers no substantial evidence explaining how implementation of mitigation measure HYD-1 would not reduce potential impacts from directional drilling to less than significant. FMND, p. 4-31. Indeed, the commenter does not even go so far as to suggest there would be a significant impact. The commenter's assertion regarding a potential accidental toxic chemical exposure is complete speculation and lacks any basis in substantial evidence. Bentonite and water are used for directional drilling, neither of which are hazardous. FMND, p. 4-26. Moreover, an environmental health and safety plan would provide direction to the driller in the event that suspicious underground substances are encountered. FMND, p. 4-25 – 4-26.

Without support on the basis of substantial evidence, the commenter simply asserts that the construction will alter the existing drainage pattern on Site No. 1, even though the FMND concludes that no aspect of the proposed project would alter the existing drainage pattern and treatment systems. FMND, p. 4-35. The commenter then repeats its prior argument that the mere placement of structures within the floodway will change the current drainage system or impact flood flows, again without any basis in substantial evidence.

Even though the FMND describes the existing drainage systems and concludes that drainage patterns on Site No. 1, would not change (FMND, p. 4-35), the commenter simply concludes without any support on the basis of substantial evidence that the project would exacerbate existing conditions. The commenter also misstates the facts in asserting that construction BMP's would not provide adequate erosion control or hazardous material storage during construction of the CNG project. In fact, due the minimal area of disturbance, the City has determined that a construction SWPPP is not required for the CNG project. FMND, p. 4-31. The proposed Conditions of Approval for the CNG project (Condition of Approval 35) address ongoing requirements for compliance with the city's SUSMP and source control BMPs. The applicant would be required to comply with the City's erosion control ordinance, which can be found at http://www.ci.oceanside.ca.us/civica/filebank/blobdload.asp?BlobID=22825.

Finally, the commenter asserts without any support on the basis of substantial evidence that a significant impact from high groundwater levels would occur, in spite of substantial evidence in the FMND that groundwater levels are 10-12 feet below ground surface while the deepest excavation would be 5 feet below ground surface. FMND, p. 4-25. In fact, a substantially similar comment was made by Nadine Scott of FOLAC during preparation of the MND, and was appropriately addressed with factual data included in the FMND (Response to Comment C-34). The commenter offers no evidence of higher groundwater levels, and its assertion is completely speculative. While it is also completely speculative that vehicles will be leaking fluid that will flow into Loma Alta Creek during flooding on site, proposed Condition of Approval 32 for the CNG project

adds a requirement that the applicant make reasonable efforts to move trucks, vehicles, etc. from the site during any severe flood event.

E-33 The City disagrees with this comment. The FMND concludes on the basis of substantial evidence that the CNG project would not result in a significant noise impact. The commenter did not present any substantial evidence that any of the conditions set forth in Guidelines Section 15162 apply.

The commenter's argument is almost entirely premised on the existence of current exceedences of the City's noise standard at the southern boundary during early morning hours, which is disclosed in the FMND. FMND, Appendix C, p. 9. However, the commenter presents no evidence refuting the technical analysis provided in the FMND, or its conclusion that with implementation of the project the facility would be in compliance with the City's noise standard. The Eilar study does not address this issue at all, and provides no substantial evidence demonstrating the existence of a significant impact from the CNG project.

The commenter cites the change in traffic patterns resulting from implementation of the CNG project due to the fact that waste collection vehicles would back out of their parking spaces in the morning. However, the MND considered noise from back up alarms in reaching its conclusion of a less than significant impact. FMND, p. 4-41; FMND, Appendix C, p. 11-12. No support on the basis of substantial evidence refuting that conclusion is presented by commenter or contained in the Eilar noise study. Then, the commenter cites noise from the compressor, but fails to disclose that the FMND found that compressor noise would be only 56 dB at the southern property boundary (within the City's noise standards) and offers no substantial evidence demonstrating that the compressor would result in a significant noise impact.

The commenter's assertion that the CNG fueling facility will be a "24 hour gas station" is incorrect. Based on current operations, fueling will be complete in the majority of cases by 10:30 pm but may extend to 12:00 midnight in some cases, which is consistent with the operating hours in the 1995 CUP. Once the vehicles have been refueled, the compressor will turn off. FMND, p. 4-43. However, the Focused Noise Assessment conservatively assumed continuous operation of the compressor (FMND, Appendix C, p. 14), but nonetheless fund that after implementation of the CFG project that the facility would comply with the City's noise level standards.

The FMND determined based on substantial evidence that no significant noise impact would result from the CNG project. The commenter offers no substantial evidence of noise levels in violation of applicable requirements of the City's noise ordinance in the residential area to the north of Site No. 1 (See Response to Comment E-24). In any event, compliance with the noise standard is required at the property boundary, not in remote areas, and Dudek's supplemental analysis indicates that the project would result in noise levels of 42 dB in this residential area. This is within the City's noise standard even though the standard is not applicable.

All of the commenter's assertions regarding noise impacts are nothing more than "argument, speculation, unsubstantiated opinion or narrative." The commenter did not present any substantial evidence that any of the conditions set forth in Guidelines Section 15162 apply.

E-34 The City disagrees with this comment. The commenter restates potential impacts identified in the FMND related to transportation and traffic (pp. 4-47 – 4-49), and then simply concludes there is a significant impact without any basis in substantial evidence. The commenter's assertion is nothing more than "argument, speculation, unsubstantiated opinion or narrative." The commenter did not present any substantial evidence that any of the conditions set forth in Guidelines Section 15162 apply.

The FMND discloses that the CNG project would result in some increased construction-related traffic and the potential closure of the southern lane of Oceanside Boulevard for up to two weeks for directional drilling, but concludes that the impact is less than significant due to the small size of the project and implementation of a required traffic control plan. FMND, p. 4-48; p. 4-49. The commenter presented no support on the basis of substantial evidence that a significant impact would result. Indeed, the primary basis for its complaint is the purported of clarity in the record, which is not substantial evidence of a significant impact. Nevertheless, a traffic control plan is a routine requirement for any construction or activity where normal flow of traffic could be disrupted. The City of Oceanside requires that traffic control plans be consistent with the California Manual on Uniform Traffic Control Devices (CAMUTCD) for temporary traffic control and the San Diego Regional Standard Drawings for traffic control plans, and processes them at the Engineering counter. The detailed requirements for the Traffic Control Plan are available to commenter at http://www.ci.oceanside.ca.us/gov/dev/eng/transit/permits.asp.

E-35 The City disagrees with this comment. Based upon the Responses to Comments E-28 through E-34, the commenter has not presented substantial evidence, or even a fair argument on the basis of substantial evidence, that the project would result in a significant impact.

E-36 The commenter's discussion of the law is confusing. The first paragraph of this comment restates its view of the law with respect to the use of a MND. As noted in Response to Comment E-28, that view is incorrect because the CNG project is a revision to an existing approved project. The commenter ignores the fact that, in general, once a project has been approved under CEQA the lead agency's role is completed unless further discretionary approval on that project is required; in which case it is the obligation of the agency with future discretionary approval authority to determine what form of additional environmental review is required, if any, prior to taking action. (See CEQA Guidelines, § 15162.) Under these circumstances, CEQA also allows lead agencies to restrict their review of modifications to a previously approved project to the incremental effects associated with the proposed modifications, compared against the anticipated effects of the previously approved Project at build-out. (See *Benton v. Board of Supervisors* (1991) 226 Cal. App. 3d 1467, 1475-1482; *Mani Bros. Real Estate Group v.*

City of Los Angeles (2007) 153 Cal.App.4th 1385; *Temecula Band of Luiseño Mission Indians v. Rancho California Water Dist.* (1996) 43 Cal. App. 4th 425, 438.)

Then, the second paragraph raises a completely separate alleged basis for requiring an EIR, which is that the mitigation measures identified are inadequate. In this instance, the standard for review is whether there is substantial evidence in the record supporting the City's view that the measures would mitigate the impacts in question. *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1988) 47 Cal.3d 376, 422.

However, the commenter presented no substantial evidence or even argument that the three mitigation measures proposed for the CNG project (BIO-1, HYD-1 and HYD-2) were inadequate. Moreover, the commenter claims that mitigation measures for noise and transportation/traffic were inadequate, even though none were proposed (and none were required, as all impacts were determined on the basis of substantial evidence to be less than significant). This set of comments completely failed to articulate, much less support, its claim that an EIR should have been required due to the inadequacy of mitigation measures.

However, in order to provide a complete response, the Responses to Comments E-37 through E-40 will also be analyzed in the same way as the Responses to Comments E-30 through E-35; whether commenter has presented substantial evidence that any of the conditions set forth in Guidelines Section 15162 apply.

E-37 The only mitigation measure related to biological resources is BIO-1, which relates solely to the protection of nesting birds during removal of the non-native oleander bushes. FMND, p. 4-12. This mitigation measure makes no reference to the native plant species to be used to replace the oleanders. The commenter does not assert any inadequacies related to BIO-1.

To the extent that the commenter objects to the use of *Ribes speciosum* rather than *Artemisia californica*, that is nothing more than "speculation, unsubstantiated opinion or narrative" and does not constitute substantial evidence that the use of *Ribes speciosum* would result in a significant impact. In fact, a substantially similar comment was made by Nadine Scott of FOLAC during preparation of the MND, and was appropriately addressed with factual data included in the FMND (Response to Comments C-31 and C-32). Based on those comments, the species suggestion by FOLAC was duly considered by the CNG project landscape architect, in consultation with the city's landscape staff, and due to its low growth habit (maximum of 3-4 feet high), was not considered the most appropriate choice at this location.

The commenter's assertion regarding noise impacts to species is, once again, nothing more than "speculation, unsubstantiated opinion or narrative." Substantial evidence contained in the FMND demonstrates that the CNG project will result in reduction in noise levels and will be in compliance with the City's noise ordinance. The analysis

considered noise from back up alarms and noise from the compressor. FMND, p. 4-41 – 4-43.

The commenter offers no support based on substantial evidence of a cumulative noise impact to species. The substantial evidence in the record demonstrates otherwise. There is no official threshold for determining noise impacts to special-status species, and birds in particular. The generally accepted guideline is 60 decibels averaged over a 1-hour period on an A-weighted scale (60 dBA L_{eq}). Following implementation of the CNG project, noise levels at the southern boundary, next to Loma Alta Creek where sensitive species might reside, worst-case noise levels would range from less than 48 dBA to be 63-65 dBA L_{eq}. The compressor is calculated to produce noise of 56 dBA L_{eq} at the south fence line. As a result, noise levels affecting special-status species would be substantially consistent with the guideline.

Finally, any special-status wildlife species that may be utilizing or occupying habitat in the Loma Alta Creek drainage area adjacent to the project site is currently being subjected to noise in excess of the generally-accepted limit of 60 dBA Leq. It is common practice in City of San Diego, County of San Diego, and other local jurisdictions that if a bird chooses to nest in an environment where noise levels exceed the 60 dBA L_{eq} guideline and the project operations would not further increase the noise subjected to the bird, then the project does not bear the responsibility of reducing the noise at the nest/occupied habitat to the 60 dBA L_{eq} guideline.

E-38 Two mitigation measures are proposed, HYD-1 and HYD-2, both of which relate to erosion control during construction of the CNG facilities. The commenter does not assert any inadequacies related to HYD-1 and HYD-2. Rather, it expresses a concern over the lack of detail of the specific measures to be taken, which does not constitute substantial evidence of a significant impact.

As previously noted in Response to Comment E-32, due to the minimal area of disturbance, the City has determined that a construction SWPPP is not required for the CNG project. FMND, p. 4-31. The proposed Conditions of Approval for the CNG project (Condition of Approval 35) address ongoing requirements for compliance with the city's SUSMP and source control BMPs. The applicant would be required to comply with the City's erosion control ordinance, which can be found at http://www.ci.oceanside.ca.us/civica/filebank/blobdload.asp?BlobID=22825.

E-39 Based on substantial evidence presented in the FMND, noise impacts from the CNG project would be less than significant. As a result, no mitigation measures were required or proposed, and the commenter's reference to proposed mitigation measures is incorrect. The proposed CNG project is not a "mitigation" measure for noise, though studies show it will reduce current noise levels. The commenter's opinion that an EIR is required because mitigation measures are inadequate completely fails in this instance, because there are none.

These comments generally restate arguments made in Comment E-33. Please see the Responses to Comment E-33 for a more detailed discussion. Where new argument has been made, it will be responded to here. Once again, the commenter did not present any substantial evidence that any of the conditions set forth in Guidelines Section 15162 apply.

There is no mitigation measure related to evening-time maintenance operations at the facility, or generally the direction to avoid loud noises. Instead this is part of a good neighbor policy adopted by the applicant, but is not part of any Conditions of Approval. And, there is no evidence of an exceedence of the City's noise level standards except during early morning hours under current operations. The FMND has presented substantial evidence demonstrating that there would be no exceedence of the City noise level standards following implementation of the CNG project.

The commenter's assertion that conversion to CNG collection vehicles will take up to 12 years is incorrect. Under the terms of the City's collection franchise agreement with Waste Management, the conversion will take place in phases that begin at the time of initial operation of the CNG fueling facility, and is to be completed not more than two years following initial operation of the CNG fueling facility.

The collection franchise agreement provides a firm schedule for the conversion to CNG collection vehicles, which provides a clear performance standard. The facts here are not close to those in the *Communities for a Better Environment v. City of Richmond* case cited by the commenter, where a project approval for a refinery expansion was overturned because the *formulation* of a plan to mitigate impacts from greenhouse gas emissions was deferred. 184 Cal.App.4th at 92.

Since the CNG project would reduce noise levels, it would not add to cumulative noise impacts. FMND, p. 4-53. The commenter's argument is incorrect, and fails to provide any support on the basis of substantial evidence that any of the conditions set forth in CEQA Guidelines Section 15162 would apply.

E-40 Based on substantial evidence presented in the FMND, traffic and transportation impacts from the CNG project would be less than significant. As a result, no mitigation measures were required or proposed, and the commenter's reference to proposed mitigation measures is incorrect. The commenter's assertion that an EIR is required because mitigation measures are inadequate completely fails in this instance

The commenter's arguments are a repetition of its concerns expressed in Comment E-34 regarding a lack of clarity regarding measures to manage traffic on Oceanside Boulevard during a period of up to two weeks when directional drilling is occurring. That does not constitute substantial evidence. A traffic control plan is a routine requirement for any construction or activity where normal flow of traffic could be disrupted. The City of Oceanside requires that traffic control plans be consistent with the California Manual on Uniform Traffic Control Devices (CAMUTCD) for temporary traffic control and the San Diego Regional Standard Drawings for traffic control plans, and processes them at the

Engineering counter. The detailed requirements for the Traffic Control Plan are available to commenter at http://www.ci.oceanside.ca.us/gov/dev/eng/transit/permits.asp.

E-41 The City disagrees with this comment. Based on substantial evidence, three mitigation measures included in the FMND are adequate to reduce Biological or Hydrological impacts to less than significant. In fact, in its comments, the commenter does not take any issue with the adequacy of the mitigation measures proposed. All other potential impacts are less than significant and no mitigation measures are required or proposed. Those findings are supported by substantial evidence in the FMND, and the commenter has not presented any substantial evidence refuting those conclusions, or even to support a fair argument that a significant impact would occur.

E-42 Comment noted. No new argument is presented, and this comment simply refers to other comments. Please refer to the responses to those comments for more detailed information.

DUDEK

MAIN OFFICE
605 THIRD STREET
ENCINITAS, CALIFORNIA 92024
T 760.942.5147 T 800.450.1818 F 760.632.0164

MEMORANDUM

To:	Richard Greenbauer, City of Oceanside
From:	Jonathan Leech, Dudek
Subject:	Evaluation of the Eilar Noise Monitoring Report of Oceanside Waste Management Facility
Date:	January 22, 2013
cc:	Sherri Newland, ET Environmental; Ann Gunter, Lightfoot Planning Group; Elizabeth Doalson, Dudek
Attachment(s):	N/A

A Noise Monitoring Report dated November 29, 2012, was prepared by Eilar Associates Inc. and was submitted to the City of Oceanside on January 11, 2013. Dudek has reviewed the Eilar Noise Monitoring Report and provides the following evaluation.

In summary, the Eilar Noise Monitoring Report did not provide new information, as it analyzed the existing noise conditions within the project area, and the findings of the report regarding existing noise levels associated with the Waste Management maintenance facility are equivalent to the findings of Dudek's Focused Environmental Noise Assessment dated June 21, 2012.

While the noise measurement locations differ between the Dudek and Eilar studies, the sound sources analyzed and the sound levels measured compare favorably with one another. The noise measurements from the Eilar Report were conducted at two locations: noise measurement location 1 was conducted immediately east of the project site in an adjacent parking lot; and noise measurement location 2 was conducted on the same property to the east, but just north of the adjacent existing machine shop building.

Eilar noise measurement location 1 was situated to directly address the truck fueling and maintenance facility (the project site), and the location of this measurement at the property boundary line allows direct comparison of recorded noise level to the City's Noise Ordinance allowances. In addition, this measurement point serves the same purpose as the Dudek on-site measurement point, which is located at the southern property boundary. Both reports conclude that the existing facility, at the property boundary, has noise levels above ordinance allowance (which is 65 A-weighted decibels (dBA)) during the 1-hour period from 6 AM to 7 AM. The Dudek 24-hour measurement captured this 1-hour non-compliance occurrence once; the Eilar 72-

hour measurement documents a regular pattern of daily elevated noise during the 6 AM to 7 AM period, each of the 3 days of measurement.

The second noise measurement location from the Eilar Report primarily has noise exposure to the pod yard; however, it is also on the south side of Industry Street, which means it is exposed to traffic noise on Industry Street. Even with the traffic noise, the pod yard noise measurements average approximately 2 dB less during the 6 AM to 7 AM time period than the noise level measured for the maintenance facility. Eilar provides calculation only, and no off-site noise measurements, to conclude that noise during the one problematic hour (6 AM to 7 AM) *probably* exceeds the allowable levels at nearby residences. As stated on page 5 of the Eilar Report, the calculation is based upon distance attenuation only, and does not account for excess ground absorption, intervening topography, or existing structures.

To validate the calculation results for attenuated noise levels at nearby residences, Dudek performed an off-site noise measurement during the 5:30 AM to 6:30 AM hour in the Loma Alta Neighborhood (which is documented in Appendix C to the Focused Environmental Noise Assessment). The time period was selected because the trucks from the facility begin to operate and depart each work day at 5:30 AM. The off-site noise measurement demonstrated that the existing facility does not generate noise in excess of 45 dBA during the 5:30 AM to 6:30 AM time period (45 dB is the maximum sound level permitted overnight in the residential zone). Furthermore, the proposed project would reduce existing facility noise levels at nearby residences via replacement of diesel trucks with quieter compressed natural gas (CNG) trucks.

Both reports conclude that existing facility noise levels are within noise ordinance allowances for every hour during the day, with the exception of 6 AM to 7 AM. The documented exceedance of the noise ordinance restriction during 6 AM to 7 AM is based upon the property line noise levels; noise restrictions for the neighboring residential areas are not documented to be exceeded by the existing facility operations noise. Therefore, no new information was provided in the Eilar Noise Report.

Eilar's Noise Report only addressed the existing noise generated at the Waste Management Fleet Maintenance and Administration Facility, and at the pod yard; it does *not* address changes in noise levels from implementation of the proposed CNG project. Dudek's Focused Environmental Noise Assessment concluded the quieter CNG truck fleet would result in the facility noise levels being in compliance during all hours of the day.

EILAR ASSOCIATES, INC.

"Acoustical & Environmental Consulting Services Since 1974"

321 Willowspring Drive North, Encinitas, CA 92024
www.eilarassociates.com • info@eilarassociates.com
Phone: 760-738-5570 or 800-439-8205 • Fax: 760-738-5227

November 29, 2012

RECEIVED
JAN 11 2013
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

Job #B21105N1

University of San Diego Environmental Clinic
Attention: Margaret Dalton
5998 Alcala Park
San Diego, California 92110

SUBJECT: NOISE MONITORING REPORT OF OCEANSIDE WASTE MANAGEMENT FACILITY

At the request of Margaret Dalton, Eilar Associates has conducted noise monitoring of the Oceanside Waste Management facility operations on four consecutive days, from November 26 through November 29, 2012. The purpose of this noise monitoring was to approximate the noise levels generated by the Oceanside Waste Management facility.

Project Location & Description

The Oceanside Waste Management facility is located in the City of Oceanside, California. The facility consists of two separate areas, the main truck servicing area, located at 2141 Oceanside Boulevard, and a Pod storage and maintenance yard, located at 2403-B Industry Street. Both facilities operate Monday through Friday, with the peak noise generating hour typically from 6 a.m. to 7 a.m. each day.

Measurement Locations

Noise monitoring was conducted at two locations beginning the afternoon of Monday, November 26, and continuing until the morning of Thursday, November 29, 2012. Measurement Location 1 was placed near a small drainage canal, bordering the eastern property line of the truck maintenance facility, located at 2141 Oceanside Boulevard. Measurement Location 2 was placed to the west of the Pod storage and maintenance yard, located at 2403-B Industry Street. For both locations, the sound level meter was placed approximately 4 feet above ground level.

Applicable Noise Regulations

The City of Oceanside Noise Ordinance provides noise level limits based on zoning of affected properties. Between the hours of 7 a.m. and 9:59 p.m., one-hour average noise levels may not exceed 50 dBA at single-family residential or open space properties. Between the hours of 10 p.m. and 6:59 a.m., one-hour average noise levels may not exceed 45 dBA at single-family residential or open space properties. Industrial properties have a daytime noise limit of 70 dBA, and a nighttime noise limit of 65 dBA. At boundaries between two different zones, the applicable noise limit is the arithmetic average of the limits for the two respective zones. Therefore, where industrial properties are located adjacent to open space or residential properties, the applicable noise limit would be 60 dBA during the daytime hours and 55 dBA during the nighttime hours.

Measurement Equipment

Some or all of the following equipment was used to measure noise levels:

- Larson Davis Model 720 Type 2 Sound Level Meter, Serial #0312
- Larson Davis Model 720 Type 2 Sound Level Meter, Serial #0311
- Larson Davis Model CA150 Calibrator, Serial #0339
- Distance measurement wheel, digital camera

The sound level meters were field-calibrated immediately prior to the noise measurement and checked afterwards, to ensure accuracy. All sound level measurements conducted and presented in this report, in accordance with the regulations, were made with sound level meters that conform to the American National Standards Institute specifications for sound level meters (ANSI S1.4-1983, R2001). All instruments are maintained with National Bureau of Standards traceable calibration, per the manufacturers' standards.

Noise and Sound Level Descriptors

All noise level or sound level values presented herein are expressed in terms of decibels (dB), with A-weighting, abbreviated "dBA," to approximate the hearing sensitivity of humans. Time-averaged noise levels are expressed by the symbol L_{EQ}, for a specified duration. Short duration peak noise levels are expressed by the symbol L_{MAX}.

Attenuation due to distance is calculated by the equation:

$$SPL_1 = SPL_2 - 20\log(\frac{D_2}{D_1})$$

where SPL_1 = Calculated sound pressure level at distance,
SPL_2 = Known sound pressure level at known distance,
D_1 = Distance from source to known sound pressure level, and
D_2 = Distance from source to location of calculated sound pressure level.

This is identical to the more commonly used reference of 6 dB reduction for every doubling of distance. This equation does not take into account reduction in noise due to atmospheric absorption. Roadway noise is considered a line source, and typically is attenuated by 3 dB for every doubling of distance rather than 6 dB. In this case, the 20 multiplier in the equation above would be changed to 10 to account for this rate of attenuation.

Noise Measurement Results

Noise measurements were made at each of the aforementioned measurement locations from just before 3 p.m. on November 26, until just after 9 a.m. on November 29.

Summaries of noise measurements made on site are provided in Table 1. Graphs of measured sound data are also provided in Appendix A.

Table 1. Summary of Noise Measurement Results

Time Period	Date	Hourly Noise Level (dBA) L_{EQ}	
		Location 1 (Meter 0311)	Location 2 (Meter 0312)
3:00 p.m. – 3:59 p.m.	11/26/2012	62.3	64.0
4:00 p.m. – 4:59 p.m.	11/26/2012	65.1	65.8
5:00 p.m. – 5:59 p.m.	11/26/2012	64.7	63.6
6:00 p.m. – 6:59 p.m.	11/26/2012	55.6	57.9
7:00 p.m. – 7:59 p.m.	11/26/2012	57.7	60.0
8:00 p.m. – 8:59 p.m.	11/26/2012	59.5	53.5
9:00 p.m. – 9:59 p.m.	11/26/2012	56.6	54.4

Table 1. Summary of Noise Measurement Results			
Time Period	Date	Hourly Noise Level (dBA) L_{EQ}	
		Location 1 (Meter 0311)	Location 2 (Meter 0312)
10:00 p.m. – 10:59 p.m.	11/26/2012	50.0	51.8
11:00 p.m. – 11:59 p.m.	11/26/2012	57.3	50.9
12:00 a.m. – 12:59 a.m.	11/27/2012	49.9	53.0
1:00 a.m. – 1:59 a.m.	11/27/2012	56.1	57.9
2:00 a.m. – 2:59 a.m.	11/27/2012	44.0	48.6
3:00 a.m. – 3:59 a.m.	11/27/2012	45.3	49.8
4:00 a.m. – 4:59 a.m.	11/27/2012	57.8	60.1
5:00 a.m. – 5:59 a.m.	11/27/2012	57.6	60.3
6:00 a.m. – 6:59 a.m.	11/27/2012	**72.1**	**70.1**
7:00 a.m. – 7:59 a.m.	11/27/2012	61.3	66.6
8:00 a.m. – 8:59 a.m.	11/27/2012	59.3	63.1
9:00 a.m. – 9:59 a.m.	11/27/2012	56.4	60.7
10:00 a.m. – 10:59 a.m.	11/27/2012	58.8	61.4
11:00 a.m. – 11:59 a.m.	11/27/2012	62.5	62.2
12:00 p.m. – 12:59 p.m.	11/27/2012	58.1	64.4
1:00 p.m. – 1:59 p.m.	11/27/2012	61.7	66.8
2:00 p.m. – 2:59 p.m.	11/27/2012	60.3	69.8
3:00 p.m. – 3:59 p.m.	11/27/2012	63.4	67.9
4:00 p.m. – 4:59 p.m.	11/27/2012	62.5	65.9
5:00 p.m. – 5:59 p.m.	11/27/2012	65.3	66.2
6:00 p.m. – 6:59 p.m.	11/27/2012	55.7	57.4
7:00 p.m. – 7:59 p.m.	11/27/2012	52.6	53.3
8:00 p.m. – 8:59 p.m.	11/27/2012	58.7	52.9
9:00 p.m. – 9:59 p.m.	11/27/2012	57.3	56.3
10:00 p.m. – 10:59 p.m.	11/27/2012	53.7	52.3
11:00 p.m. – 11:59 p.m.	11/27/2012	46.3	48.0
12:00 a.m. – 12:59 a.m.	11/28/2012	43.9	48.6
1:00 a.m. – 1:59 a.m.	11/28/2012	41.0	47.4
2:00 a.m. – 2:59 a.m.	11/28/2012	51.9	55.6
3:00 a.m. – 3:59 a.m.	11/28/2012	56.2	**71.5**
4:00 a.m. – 4:59 a.m.	11/28/2012	49.4	57.0
5:00 a.m. – 5:59 a.m.	11/28/2012	59.0	63.1

Table 1. Summary of Noise Measurement Results			
Time Period	Date	Hourly Noise Level (dBA) L_{EQ}	
		Location 1 (Meter 0311)	Location 2 (Meter 0312)
6:00 a.m. – 6:59 a.m.	11/28/2012	**71.0**	69.9
7:00 a.m. – 7:59 a.m.	11/28/2012	59.8	66.4
8:00 a.m. – 8:59 a.m.	11/28/2012	57.1	62.1
9:00 a.m. – 9:59 a.m.	11/28/2012	61.1	64.3
10:00 a.m. – 10:59 a.m.	11/28/2012	58.4	65.2
11:00 a.m. – 11:59 a.m.	11/28/2012	64.6	65.3
12:00 p.m. – 12:59 p.m.	11/28/2012	57.1	61.9
1:00 p.m. – 1:59 p.m.	11/28/2012	59.7	65.8
2:00 p.m. – 2:59 p.m.	11/28/2012	58.1	63.8
3:00 p.m. – 3:59 p.m.	11/28/2012	61.2	67.9
4:00 p.m. – 4:59 p.m.	11/28/2012	62.0	63.9
5:00 p.m. – 5:59 p.m.	11/28/2012	62.0	64.0
6:00 p.m. – 6:59 p.m.	11/28/2012	61.9	64.2
7:00 p.m. – 7:59 p.m.	11/28/2012	53.2	54.7
8:00 p.m. – 8:59 p.m.	11/28/2012	59.6	54.2
9:00 p.m. – 9:59 p.m.	11/28/2012	60.9	53.6
10:00 p.m. – 10:59 p.m.	11/28/2012	51.2	50.7
11:00 p.m. – 11:59 p.m.	11/28/2012	47.7	48.6
12:00 a.m. – 12:59 a.m.	11/29/2012	43.1	47.5
1:00 a.m. – 1:59 a.m.	11/29/2012	41.1	44.5
2:00 a.m. – 2:59 a.m.	11/29/2012	41.4	45.6
3:00 a.m. – 3:59 a.m.	11/29/2012	56.8	57.0
4:00 a.m. – 4:59 a.m.	11/29/2012	54.6	67.2
5:00 a.m. – 5:59 a.m.	11/29/2012	54.8	66.6
6:00 a.m. – 6:59 a.m.	11/29/2012	**72.4**	69.2
7:00 a.m. – 7:59 a.m.	11/29/2012	**70.1**	68.8
8:00 a.m. – 8:59 a.m.	11/29/2012	60.6	63.1

During noise measurements, hourly noise levels at Location 1 ranged from 41.0 dBA L_{EQ} from 1 a.m. to 2 a.m. on November 28 to 72.4 dBA L_{EQ} from 6 a.m. to 7 a.m. on November 29. Hourly noise levels at Location 2 ranged from 44.5 dBA L_{EQ}, from 1 a.m. to 2 a.m. on November 29 to 71.5 dBA L_{EQ} from 3 a.m. to 4 a.m., which appears to be an anomaly, as Location 1 was not exposed to high noise levels during this same period. The highest measured hourly noise level at Location 2 that occurred during the operating hours of the Waste Management facility was 70.1 dBA L_{EQ}, from 6 a.m. to 7 a.m. on

November 27. Please refer to Appendix A for detailed measurement results. It should be noted that the greatest noise impact of 72.4 dBA at Location 1 occurred during the nighttime hours (between 6 a.m. and 7 a.m.), and as this location represents the noise exposure at the adjacent industrial property line, this operational noise is out of compliance with the industrial noise limit set by the City of Oceanside (65 dBA). Furthermore, this noise level also exceeds the daytime industrial noise limit of 70 dBA.

Using the maximum measured noise level of 72.4 dBA at Location 1, brief distance attenuation calculations were performed to determine estimated noise impacts from the Waste Management facility at nearby noise sensitive properties. As this noise level occurred during the nighttime hours, the nighttime noise level limits are applicable at neighboring properties.

Table 2. Calculated Noise Impacts to Nearby Sensitive Receivers from Waste Management Facility

Receiver	Approximate Distance from Noise Source	Estimated Hourly Noise Level (dBA) L_{EQ}	Noise Level Limit (dBA) L_{EQ}	In Compliance?
Measurement Location 1	50	72.4*	65	**No**
Open Space across Skylark Drive	300	56.8	55	**No**
Nearest Residence Across Skylark Drive	500	52.4	45	**No**
Nearest Residence Across Oceanside Blvd	480	52.8	55	**Yes**
Scott Residence 550 Hoover Street	900	47.3	45	**No**

*Measured noise level

Calculations show that noise levels at many nearby properties exceed the City of Oceanside's allowable nighttime noise level limits. It should be noted that intervening topography and structures were not taken into account for these calculations, and are likely to have an impact on actual noise levels.

Conclusion

Noise levels from the operation of the Oceanside Waste Management Facility were measured at two locations to determine existing conditions. Monitoring showed that noise levels at the adjacent industrial property line were out of compliance with the City of Oceanside industrial noise limit. Rough calculations of noise levels at neighboring noise-sensitive receivers show that noise levels may exceed City of Oceanside noise limits; however, exact noise levels would need to be determined by using either detailed noise modeling or additional noise monitoring. This report was prepared by Jonathan Brothers, and Douglas K. Eilar. We will be glad to work with you further on these matters whenever the need arises.

EILAR ASSOCIATES, INC.

Douglas K. Eilar
Principal/Senior Acoustical Consultant

Jonathan Brothers, Senior Acoustical Consultant

FIGURES

1. Satellite Aerial Photograph Showing Measurement Locations

APPENDICES

A. Noise Monitoring Results

FIGURES

Eilar Associates, Inc. 321 Willowspring Drive North Encinitas, California 92024 760-738-5570	**Satellite Aerial Photograph Showing Measurement Locations Job # B21105N1**	**Figure 1**

APPENDIX A

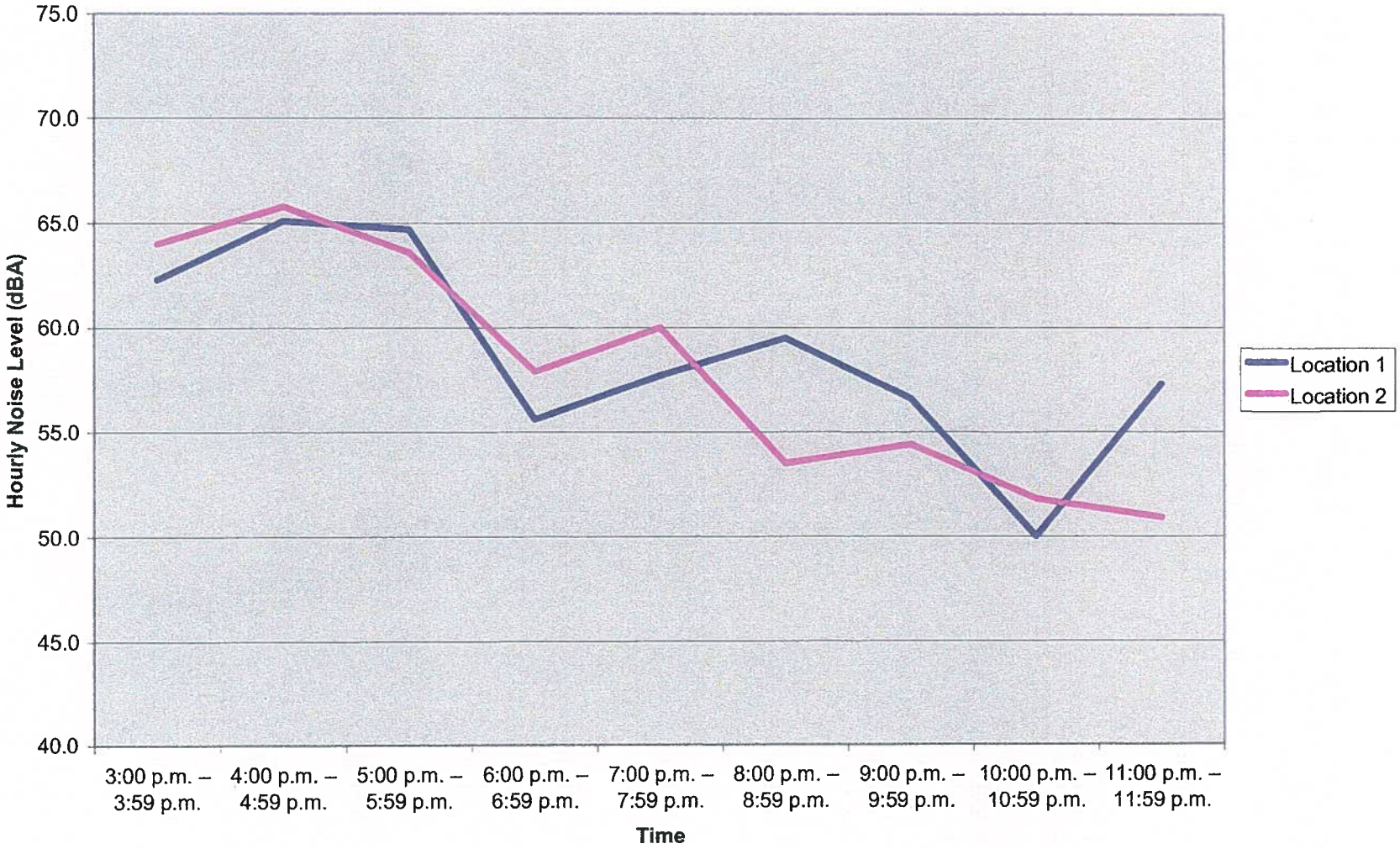
Noise Monitoring Results

Oceanside Waste Management Noise Monitoring, 11/26/2012 - 11/29/2012

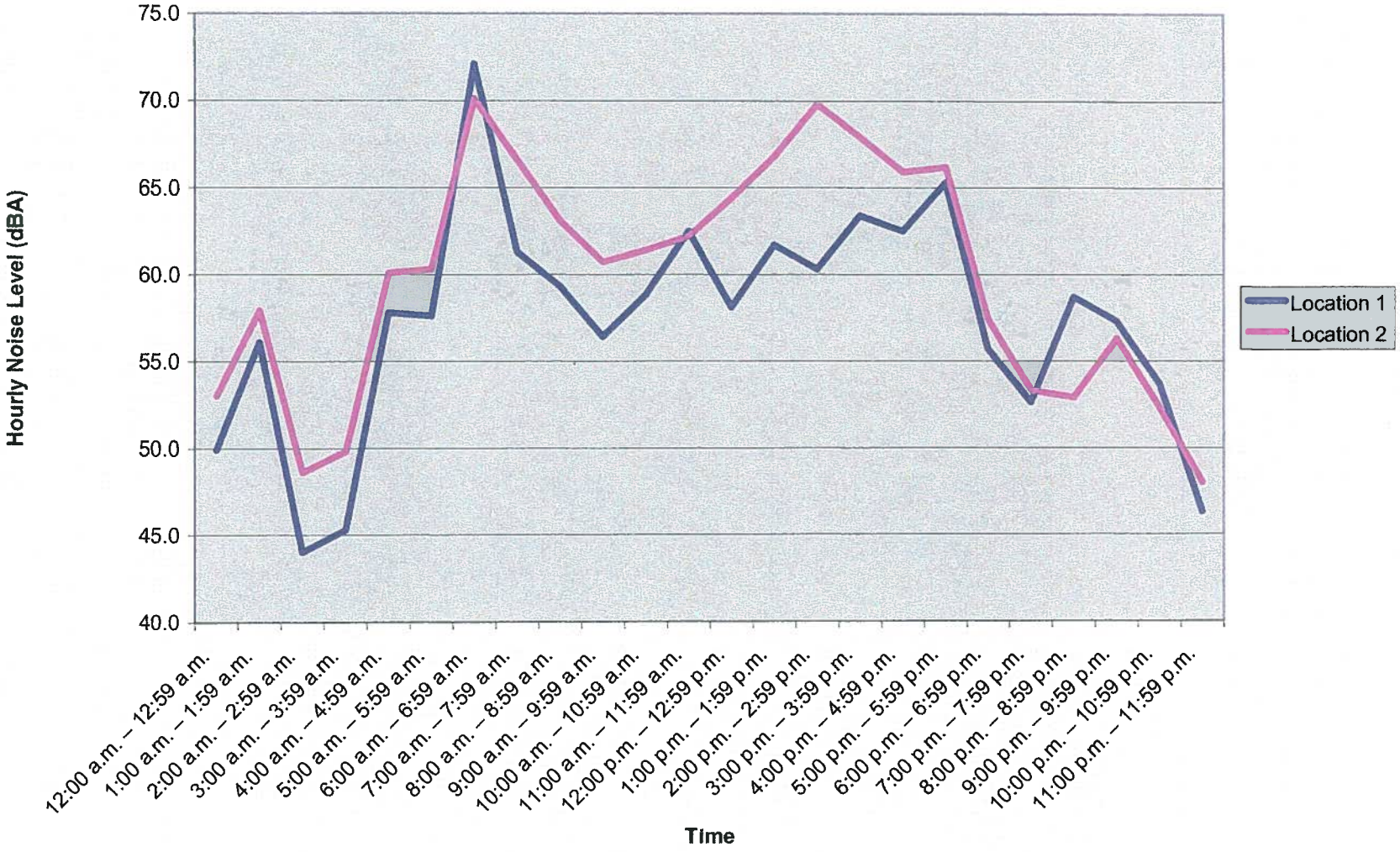
Date	Time	Hourly Noise Level (dBA)	
		Measurement Location 1	Measurement Location 2
11/26/2012	3:00 p.m. – 3:59 p.m.	62.3	64.0
	4:00 p.m. – 4:59 p.m.	65.1	65.8
	5:00 p.m. – 5:59 p.m.	64.7	63.6
	6:00 p.m. – 6:59 p.m.	55.6	57.9
	7:00 p.m. – 7:59 p.m.	57.7	60.0
	8:00 p.m. – 8:59 p.m.	59.5	53.5
	9:00 p.m. – 9:59 p.m.	56.6	54.4
	10:00 p.m. – 10:59 p.m.	50.0	51.8
	11:00 p.m. – 11:59 p.m.	57.3	50.9
11/27/2012	12:00 a.m. – 12:59 a.m.	49.9	53.0
	1:00 a.m. – 1:59 a.m.	56.1	57.9
	2:00 a.m. – 2:59 a.m.	44.0	48.6
	3:00 a.m. – 3:59 a.m.	45.3	49.8
	4:00 a.m. – 4:59 a.m.	57.8	60.1
	5:00 a.m. – 5:59 a.m.	57.6	60.3
	6:00 a.m. – 6:59 a.m.	72.1	70.1
	7:00 a.m. – 7:59 a.m.	61.3	66.6
	8:00 a.m. – 8:59 a.m.	59.3	63.1
	9:00 a.m. – 9:59 a.m.	56.4	60.7
	10:00 a.m. – 10:59 a.m.	58.8	61.4
	11:00 a.m. – 11:59 a.m.	62.5	62.2
	12:00 p.m. – 12:59 p.m.	58.1	64.4
	1:00 p.m. – 1:59 p.m.	61.7	66.8
	2:00 p.m. – 2:59 p.m.	60.3	69.8
	3:00 p.m. – 3:59 p.m.	63.4	67.9
	4:00 p.m. – 4:59 p.m.	62.5	65.9
	5:00 p.m. – 5:59 p.m.	65.3	66.2
	6:00 p.m. – 6:59 p.m.	55.7	57.4
	7:00 p.m. – 7:59 p.m.	52.6	53.3
	8:00 p.m. – 8:59 p.m.	58.7	52.9
	9:00 p.m. – 9:59 p.m.	57.3	56.3
	10:00 p.m. – 10:59 p.m.	53.7	52.3
	11:00 p.m. – 11:59 p.m.	46.3	48.0
11/28/2012	12:00 a.m. – 12:59 a.m.	43.9	48.6
	1:00 a.m. – 1:59 a.m.	41.0	47.4
	2:00 a.m. – 2:59 a.m.	51.9	55.6
	3:00 a.m. – 3:59 a.m.	56.2	71.5
	4:00 a.m. – 4:59 a.m.	49.4	57.0
	5:00 a.m. – 5:59 a.m.	59.0	63.1
	6:00 a.m. – 6:59 a.m.	71.0	69.9
	7:00 a.m. – 7:59 a.m.	59.8	66.4
	8:00 a.m. – 8:59 a.m.	57.1	62.1
	9:00 a.m. – 9:59 a.m.	61.1	64.3
	10:00 a.m. – 10:59 a.m.	58.4	65.2
	11:00 a.m. – 11:59 a.m.	64.6	65.3
	12:00 p.m. – 12:59 p.m.	57.1	61.9
	1:00 p.m. – 1:59 p.m.	59.7	65.8
	2:00 p.m. – 2:59 p.m.	58.1	63.8

	3:00 p.m. – 3:59 p.m.	61.2	67.9
	4:00 p.m. – 4:59 p.m.	62.0	63.9
	5:00 p.m. – 5:59 p.m.	62.0	64.0
	6:00 p.m. – 6:59 p.m.	61.9	64.2
	7:00 p.m. – 7:59 p.m.	53.2	54.7
	8:00 p.m. – 8:59 p.m.	59.6	54.2
	9:00 p.m. – 9:59 p.m.	60.9	53.6
	10:00 p.m. – 10:59 p.m.	51.2	50.7
	11:00 p.m. – 11:59 p.m.	47.7	48.6
11/29/2012	12:00 a.m. – 12:59 a.m.	43.1	47.5
	1:00 a.m. – 1:59 a.m.	41.1	44.5
	2:00 a.m. – 2:59 a.m.	41.4	45.6
	3:00 a.m. – 3:59 a.m.	56.8	57.0
	4:00 a.m. – 4:59 a.m.	54.6	67.2
	5:00 a.m. – 5:59 a.m.	54.8	66.6
	6:00 a.m. – 6:59 a.m.	72.4	69.2
	7:00 a.m. – 7:59 a.m.	70.1	68.8
	8:00 a.m. – 8:59 a.m.	60.6	63.1

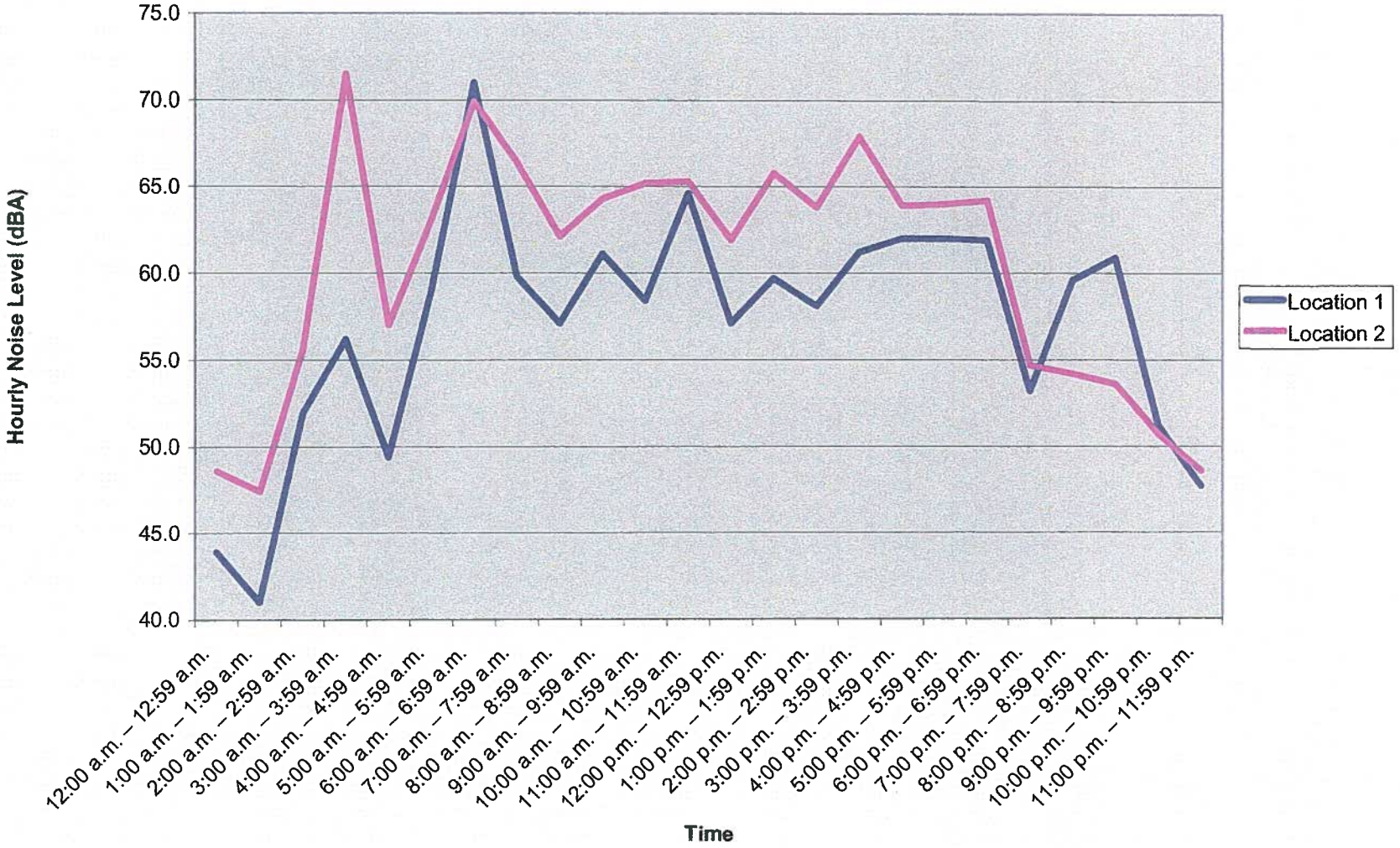
Hourly Noise Levels - November 26, 2012

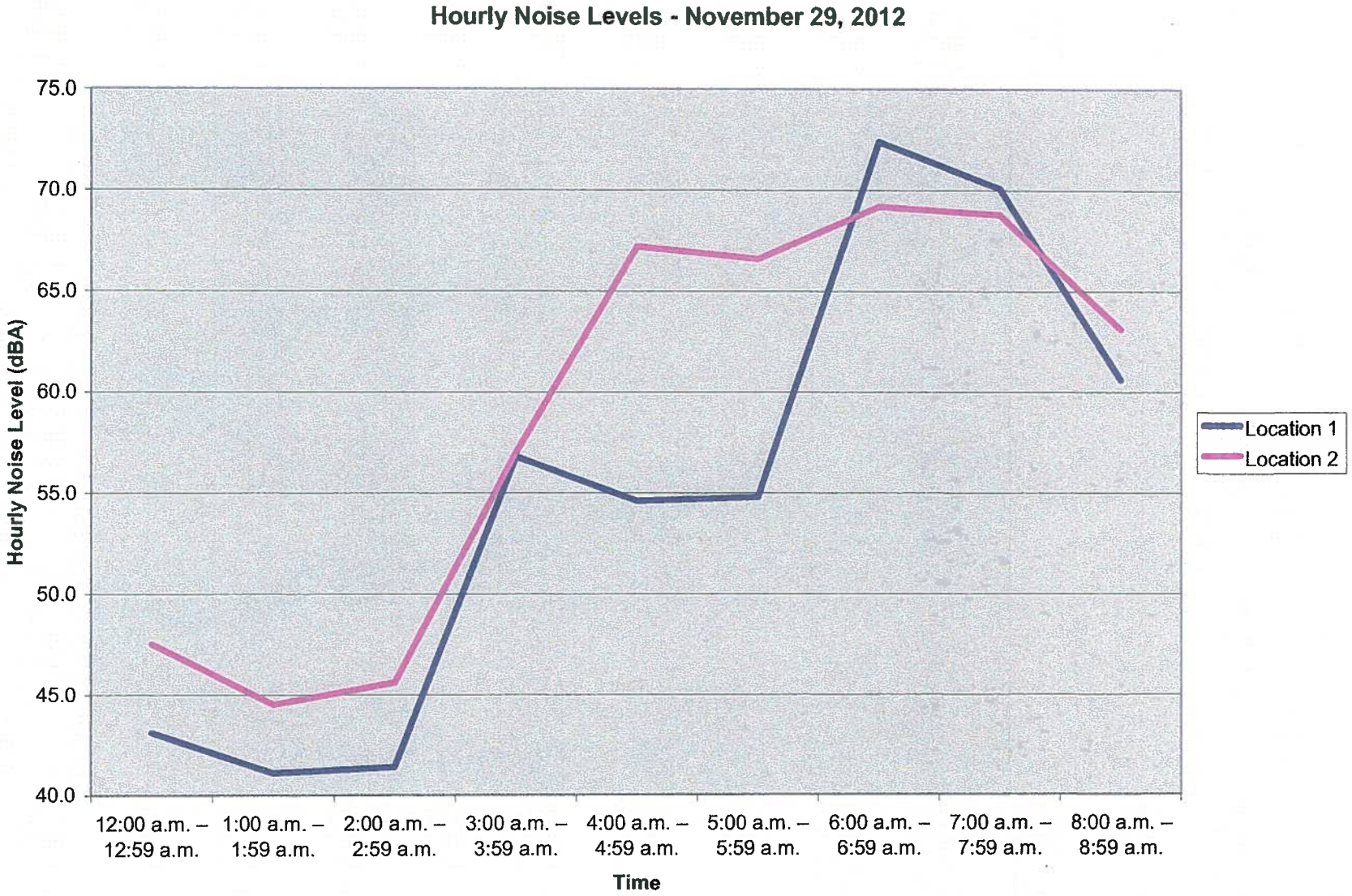


Hourly Noise Levels - November 27, 2012



Hourly Noise Levels - November 28, 2012




Hourly Noise Levels - November 29, 2012
75.0
70.0
65.0
60.0
55.0
50.0
45.0
40.0
Hourly Noise Level (dBA)
12:00 a.m. – 12:59 a.m.
1:00 a.m. – 1:59 a.m.
2:00 a.m. – 2:59 a.m.
3:00 a.m. – 3:59 a.m.
4:00 a.m. – 4:59 a.m.
5:00 a.m. – 5:59 a.m.
6:00 a.m. – 6:59 a.m.
7:00 a.m. – 7:59 a.m.
8:00 a.m. – 8:59 a.m.
Time
Location 1
Location 2

Application for Discretionary Permit

Development Services Department / Planning Division
(760) 435-3520
Oceanside Civic Center 300 North Coast Highway
Oceanside, California 92054-2885

STAFF USE ONLY

ACCEPTED: 7/6/11 BY: SN ? DW

HEARING

GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL	D11-0007
C.U.P.	CUP11-00013
VARIANCE	
COASTAL	
O.H.P.A.C.	

Please Print Or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT	2. STATUS
Waste Management of North County	Applicant

3. ADDRESS	4. PHONE / FAX / E-mail
2141 Oceanside Blvd., Oceanside CA Project Contact:Sherri Newland, ET Environmental	208-928-7361 snewland@etenv.com

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)
The Lightfoot Planning Group attn: Ann Gunter

6. ADDRESS	7. PHONE / Fax / E-mail
~~5750 Fleet Street, Suite 250~~ 5900 PASTEUR CT STE. 110 Carlsbad, CA 92008	(760) 692-1924 phone ann@lightfootpg.com

PART II - PROPERTY DESCRIPTION

8. LOCATION
2141 Oceanside Boulevard. Fleet Maintenance Facility south of Oceanside Boulevard at Industry Street.

9. SIZE
3.7 acres

10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER
General Industrial (GI)	General Industrial (IG)	Industrial	149-370-07 149-370-10

14. LATITUDE	15. LONGITUDE
33.1974	-117.3491

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION
Revision to existing Development Plan (D-9-95) and Conditional Use Permit (C-24-95) for installation of a compressed natural gas (CNG) fueling facility at the Waste Management of North County Administration and Fleet Maintenance Facility to allow conversion of existing fleet from diesel to CNG.

17. PROPOSED GENERAL PLAN	18. PROPOSED ZONING	19. PROPOSED LAND USE	20. NO. UNITS	21. DENSITY
No Change	No Change	No Change	N/A	N/A

22. BUILDING SIZE	23. PARKING SPACES	24. % LANDSCAPE	25. % LOT COVERAGE or FAR
No new buildings	Re- striping of truck fleet parking (58 spaces)	No change from existing	No change from exisitng

PART IV - ATTACHMENTS

X	26. DESCRIPTION/JUSTIFICATION	X	27. LEGAL DESCRIPTION	X	28. TITLE REPORT
X	29. NOTIFICATION MAP & LABELS	X	30. ENVIRONMENTAL INFO FORM	X	31. PLOT PLANS
X	32. FLOOR PLANS AND ELEVATIONS		33. CERTIFICATION OF POSTING	X	34. OTHER (See attachment for required reports)

PART V - SIGNATURES

SIGNATURES FROM ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print):	36. DATE	37. OWNER (Print)	38. DATE
Kenneth Ryan	6/30/11	See Attached Authority Signature for Owner	
Sign: Ken Ryan		Sign:	

-- I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTAND THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.

-- I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

WASTE MANAGEMENT OF NORTH COUNTY

OCEANSIDE COMPRESSED NATUAL GAS FUELING FACILITY

Description and Justification

ET environmental
Vision • Solutions • Value

WM WASTE MANAGEMENT

Rev. October 2012
Project Contact: Sherri Newland, P.E.
Project Representative: Ann Gunter

WASTE MANAGEMENT OF NORTH COUNTY OCEANSIDE COMPRESSED NATURAL GAS (CNG) FUELING FACILITY

Development Plan Revision (D11-00007)
and
Conditional Use Permit Revision (C11-00013)

Description and Justification
Rev. October 2012

Introduction

This application is for revision to the existing Development Plan and Conditional Use Permit for the Waste Management of North County Administration and Fleet Maintenance Facility located at 2141 Oceanside Boulevard, for installation of a compressed natural gas (CNG) fueling facility. The existing fleet is fueled using an on-site diesel fueling facility. Conversion to CNG is consistent with existing operations at the site.

The site is located on the south side of Oceanside Boulevard, with primary access into the operations yard from Industry Street. The subject property is a 3.7-acre leased property including assessor's parcels 149-370-10 (1.8 ac) and 149-370-07 (1.9 ac). The property has a General Plan land use designation of General Industrial (GI) and a corresponding zone of General Industrial (IG). A variety of industrial and commercial uses are located east, west and north of the site, with Loma Alta Creek on the southern site boundary. Residential uses are located at higher elevations beyond the industrial/commercial corridor that largely parallels Oceanside Boulevard.

The existing site is comprised of a combination of asphalt and concrete paving in the fleet maneuvering and storage areas. The yard operations area includes a truck wash and diesel fuel islands. There is also a shop/maintenance building and Waste Management Administrative offices on site. Landscaping on the site was approved and installed in conjunction with the original site plan. This is one of three separate Waste Management sites in the immediate area, which had operational changes and building modifications approved in 1995 as part of D-9-95, C-24-95 (Resolution No. 95-P51). Site 1 is the Administration and Maintenance Facility, Site 2 is the pod transfer and box storage yard, and Site 3 is the recycling yard and public buy-back center. This revision is to make minor site alterations at Site 1 to accommodate the CNG fueling operations needed to upgrade the Collection Fleet in accordance with the current contract. There will be no changes at the other site facilities.

General CNG Description

At a typical CNG fueling facility, natural gas is conveyed from a public utility gas main to an on-site equipment compound where the gas is compressed then distributed to trucks. The compressed gas is buffered in steel storage containers, typically cylindrical or spherical shapes, and routed via piping systems to fuel the entire CNG fleet. The types of fill systems typically provided are described below:

- Internal Priority Fill – CNG from the public gas utility main in the street is compressed into storage tanks, which can then be discharged quickly into a vehicle fuel tank in a fashion similar to a conventional gas station. This type of fill is also referred to as a fast fill system.

- Time Fill – fleet vehicles parked overnight are filled via a network of pipes and dispensers, which are connected to the CNG compression equipment. Time fill systems are typically sized to fill the entire fleet through individual dispensers for each vehicle as shown in the example photographs "CNG Time Fill for Fleet Staging." A CNG time fill fuel system can fill a collection truck in 10-12 hours, and is also referred to as a slow fill system.

CNG is an environmentally clean and economical alternative to diesel fuel. The use of CNG vehicles significantly reduces the emissions associated with solid waste collection in the community. New collection vehicles equipped with CNG engines are cleaner than diesel engines, reducing smog-causing constituents, as well as greenhouse gases. In addition to being cleaner, the CNG trucks are also significantly quieter than standard diesel fleet vehicles.

Waste Management (WM) has made a commitment to commence the conversion of collection fleets nationwide from diesel fuel based operations to Compressed Natural Gas fuel based operations. Switching WM's fleet to CNG will provide significant environmental benefit. Conversion requires acquisition of CNG vehicles and construction or modification of infrastructure to accommodate parking, fueling and maintenance of CNG vehicles.

CNG Fueling and Site Upgrades

In order to upgrade the existing Oceanside fleet to CNG fuel, it is necessary to add new infrastructure to the site. Natural gas and electrical service will be provided from existing SDG&E lines. The natural gas utility is located in Oceanside Boulevard and will extend down Industry Street. The electrical utility is located near the facility on Industry Street. A new electrical transformer and gas compression equipment will be installed on site. A new structural concrete pad for the CNG equipment will be constructed. The equipment area will be surrounded by bollards for safety/security and 7-ft tall chain link fencing. The CNG equipment area will be located within the existing fleet operations area and visually screened from the public right-of-way. Slats will be utilized for screening around the CNG equipment area. Gas distribution piping will run from the compressors, below grade through truck driving lane locations. From there, gas piping and time fill dispensers will be mounted on concrete safety barriers (K-rail or concrete light pole bases) for safety, maintenance, and protection of gas piping. Each truck will be connected to a dispenser hose and fueled overnight (time fill fueling).

The existing truck parking area will be restriped to accommodate a new onsite traffic pattern and the additional space required to accommodate the CNG distribution piping and dispensers. The project will provide time fill fueling for 58 CNG fleet parking stalls at full build-out.

Schedule for CNG conversion

The use of CNG trucks will be phased in at this site, which will replace the existing diesel trucks one for one. It is anticipated initially there will be 15-20 new CNG trucks at the site, with 5-20 per year until the full fleet is replaced.

Proposed Shop Upgrades

Minor retrofits to the existing maintenance shop will be required in order for indoor CNG vehicle maintenance and repair. In the event of a gas detection, emergency ventilation will be provided by new roof-mounted fans in order to exhaust gases which are lighter than air. Intake air will be provided by configuring the overhead doors to open and an emergency back-up generator will be available to operate this emergency system in the event of a power failure.

In repair garages for CNG vehicles, the area within 18-inches of the ceiling is designated as a classified location because CNG is a lighter than air gas. Electrical conduit and wiring in the ceiling of the existing maintenance building will be relocated (lowered) outside of the 18-inch classified zone.

Operations

Hours

Fueling CNG vehicles will use a time fill/slow fill process. Time fill systems allow trucks to fuel overnight. The fueling window will range from 10-12 hours for all trucks. There will also be one internal fast fill/quick fill post provided at the site. This allows for better fleet management (example: a vehicle which is being maintained in the evening hours can be returned to service in the morning even if there is not sufficient time for the standard slow fill).

Typically, the fleet vehicles depart the yard between 5:30 am and 7 am, and return to the yard between 2 pm and 7 pm. The existing CUP allows for maintenance work to occur until midnight. These schedules would remain unchanged with the conversion to CNG.

Employees/Employee Access

The CNG conversion will not add additional employees. Personal vehicles are parked in the existing lots north and west of the existing Maintenance Building. Employees access the fleet operations area through the Maintenance Building. Sidewalk access is available from Oceanside Boulevard onto the site, and is not required on Industry Street.

Traffic

The CNG phase-in will be one diesel truck for one CNG truck swap. The CNG fueling will not be adding additional traffic to the site. Operationally, truck departure and return are staggered based on route length and route locations.

Access, Circulation and Parking

Fleet access to the site is from Industry Street, just south of Oceanside Boulevard, and the existing driveway entry/exits will remain. Onsite circulation and the new parking layout will be defined by restriping, and K-rail or concrete light pole bases supporting the CNG dispensing locations. The size of the CNG trucks is equivalent to the existing diesel trucks, so the new striping will accommodate both types of trucks during the conversion. Internal site circulation has been evaluated using the appropriate vehicle template to design adequate circulation within the site.

Site Landscape

In conjunction with the site improvements, the existing landscape areas adjacent to Industry Street will be enhanced with shrubs and ground plantings beneath the existing mature eucalyptus trees. The existing ailing oleander bushes outside the fenceline and along the eastern site boundary will be removed and replaced with native shrubs.

Ground Disturbing Activities

CNG equipment will be installed on a structural concrete pad on surface grade. Site grading will not occur. There will be limited pavement restoration necessary at utility trench locations. Ground disturbance will be less than 2500 sq ft.

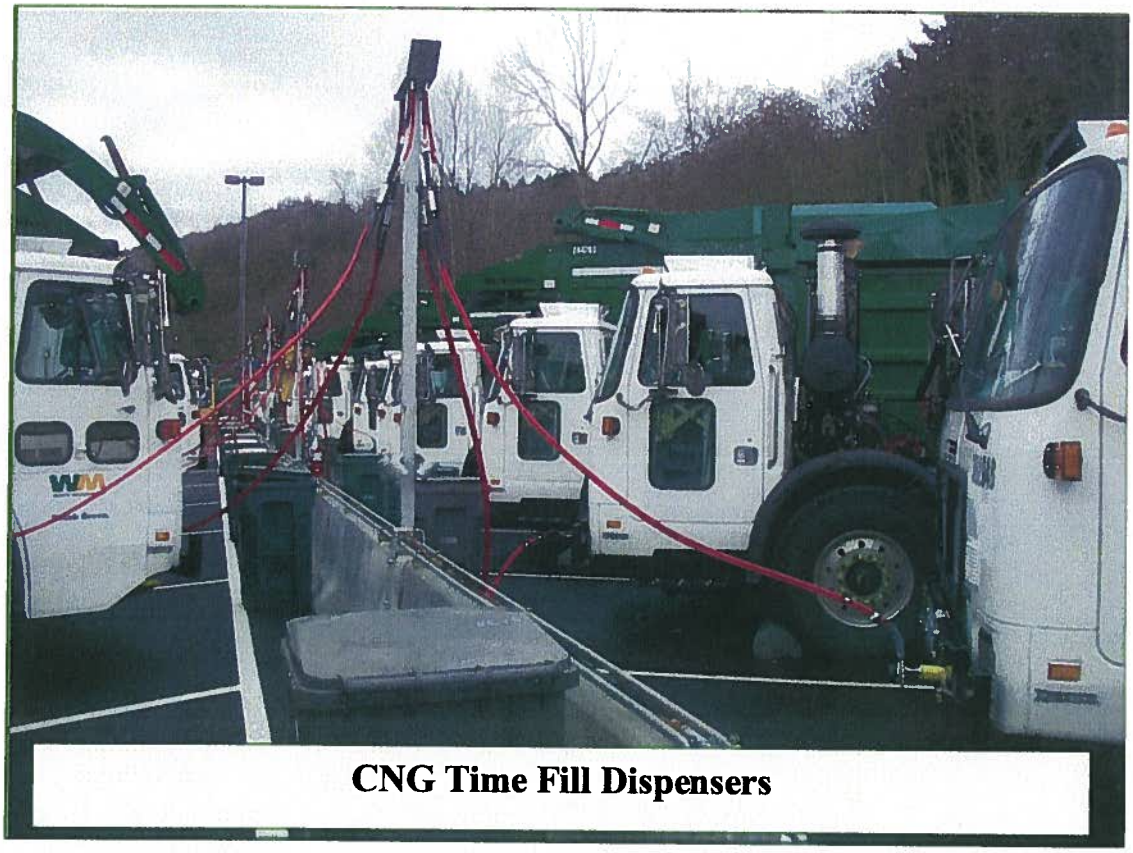
Conclusion

The proposed project will provide the infrastructure necessary to support the conversion of the Waste Management fleet from diesel fuel to CNG, and will be consistent with the existing zoning, and land use regulations. Waste Management is adapting the site to incorporate new fueling technologies. The new CNG equipment and facilities can be integrated at the existing site and provide continued service to the community as the fleet conversion is implemented.

CNG EXAMPLE PHOTOGRAPHS

CNG Time Fill for Fleet Staging

CNG Equipment Area Compound



CNG Time Fill Dispensers

REQUIRED FINDINGS - DEVELOPMENT PLAN

The City of Oceanside Zoning Ordinance stipulates that five specific findings must be made before a Development Plan can be approved. This proposal meets them as follows:

1. **That the site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance.**

   The layout and design of the CNG fueling facility improvements is consistent and in compliance with the Zoning Ordinance. The project has been designed to complement the existing uses on the site. This project is also consistent with the purposes of the General Industrial District in providing the continuation of an appropriate use on industrial land.

2. **That the Development Plan as proposed conforms to the General Plan of the City.**

   The proposed project is for improvements to an existing industrial use and meets the goals and objectives of the General Industrial land use category and the applicable elements of the General Plan.

3. **That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.**

   A general industrial use on this site is in compliance with the City's designated zoning and land use for this property. Adequate utilities and services currently serve the existing industrial use on the site and are available to serve the proposed use. The natural gas service needed for the CNG fueling is available in Oceanside Boulevard and will be extended down Industry Street into the site.

4. **That the project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood.**

   The project has been designed to use existing improvements at the site, such as existing driveway entries so that traffic patterns do not change, and install the CNG facilities with minimal changes to the existing site in order to minimize its impact on the surroundings. The site is zoned for general industrial uses and is currently developed as such.

5. **That the site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillsides, and Section 3039 of this ordinance.**

   The subject site does not contain undevelopable land or qualifying slopes, and is not subject to provisions of the Land Use Element or the Development Guidelines for Hillsides in Section 3039 of the Zoning Ordinance.

REQUIRED FINDINGS - CONDITIONAL USE PERMIT

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be approved. This proposal meets them as follows:

1. **That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.**

   The proposed CNG equipment and piping are necessary for converting from the existing diesel fleet in accordance with the recent waste hauling contract with the City. The location of the facility within the existing fleet maintenance compound is consistent and in compliance with the Zoning Ordinance and the Industrial General Zone.

2. **That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.**

   The installation of the CNG improvements in conjunction with the permitted industrial use will be compatible with and not have a negative impact on the surrounding industrial uses. The CNG compressors and equipment are required to meet stringent design and safety standards per the National Fire Protection Association, International Fire Code, and International Mechanical Codes. Compression and storage equipment and time fill dispensers are protected from vehicle impact by pipe bollards, K-rail, and/or wheel stops. Physical damage and vandalism are minimized by use of security cameras, fencing, breakaway coupling on fuel hoses, and manual and automatic shut off valves. The project is consistent with the General Plan in that it will not be detrimental to the public health, safety, or welfare of persons residing or working in the surrounding areas.

3. **That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district which it would be located.**

   The proposed CNG fueling facility is ancillary to the existing site use, providing an alternative fuel for the waste hauling fleet and there are no specific conditions required by the Zoning Ordinance provisions in the General Industrial district for this proposed site modification.