

Report

MEETING OF THE PLANNING COMMISSION

MEETING DATE: October 4, 2010

SUBJECT: Costco Wholesale – CUP 10-822 / ND 10-804

Recommendation

Conditionally approve a temporary debris crushing operation as part of the demolition and construction of the new Costco warehouse.

Introduction

On December 8, 2009, the City Council approved a Specific Plan modification allowing the replacement of an existing Costco warehouse.

Due to changes in the market, subsequent to approval of these entitlements, Costco has changed their approach to their construction phasing plan. Costco decided to close the existing store immediately after the holidays in January. All remaining merchandise will be transported to surrounding Costco stores and Costco will proceed with the construction of the new warehouse and the demolition of the existing warehouse building at the same time.

The operation will involve on-site debris crushing equipment to crush demolished materials from the existing Harley Davidson building, the existing Costco building, and the existing asphalt pavement. The crushed material will be reused on site as sub-base for the new re-constructed site. Only unusable material from this operation will be transported off-site. The operation will occur in two stages (See Exhibit) as outlined below:

Stage 1 – The proposed debris crushing facility will be located just south of the driveway that serves the existing Costco (see Stage 1 Exhibit) during the demolition of the Harley Davidson building and parking lot. Once this area is demolished and cleared, construction of the new Costco warehouse will begin by extending underground utility services to the site and future building pad area. The Stage 1 crushing operation is anticipated to begin in early December 2010 and last approximately 25 working days (depending on weather and wind conditions).

Stage 2 – Starting in February 2011, the southeast portion of the existing Costco building will be demolished and the crushing operation will be set up in this area to begin the demolition of the existing Costco building and parking lot site area. Stage 2 operations are anticipated to last approximately 45 working days (depending on weather and wind conditions).

There was a public workshop held on August 5, 2010 and Costco explained the proposed debris crushing phasing plan and addressed questions raised by the

surrounding residents and property owners. Public comments/questions were: associated noise, signal timing at crosswalks on Center Drive & Avenida Ricardo, request to improve vehicular access from the senior apartment parking lot onto Center Drive, requested installation of a sufficient fence height to screen crushing operations, question regarding installation of a sound wall along the west property line & why it didn't extend the entire distance, restricting construction traffic to the southern portion of Center Drive, request for a monitoring device for air quality during construction.

Discussion

A *noise analysis* was prepared by Hans Giroux & Associates and assessed the potential noise impacts of the on-site debris crusher. During Stage 1 (Attachment A), the Harley-Davidson building will temporarily shield residences to the west until the building's back wall is taken down. Prior to the operation of the debris crusher or the demolition of the existing buildings, a new decorative 8-foot high sound wall will be built along the north property line. The existing Costco building, plus the decorative 8-foot high sound wall along the northern site boundary will shield the homes to the north. During Stage 2, the existing Costco building will substantially shield residential properties to the west, and the temporary plywood fence along the western property line, west of the existing Costco building will shield residence to the west until it is demolished near the end of Stage 2. The homes to the north will experience somewhat louder noise levels, but will be within the allowable 60 dBL decibel readings for single family.

Due to the timing of the final grading and demolition of the existing buildings, a temporary 8-foot high plywood fence (Attachment B) will be constructed along the western property line during the construction phase. Prior to opening the new store a permanent decorative sound wall will be constructed along the westerly property line to attenuate sound from the operations of the new store. The debris crusher is oriented with the operator platform facing south, or east, away from off-site homes.

Since there will be the elimination of patron traffic between Harley Davidson and the Costco Wholesale store during Stage 2 during the construction debris crushing operation, there will be a decrease of 9,330 trips per day. The daily traffic on Center Drive, just west of Nordahl, is 12,726 ADT and will decrease to about 3,400 vehicle trips per day during the construction phase. The daily traffic on Nordahl Road will be reduced by about 4,665 trips both north and south of Center Drive.

Based on the material from the debris crushing operation being used for sub-base material on site during Phase One, this will result in a decrease of 159 truck trips per day and 18 truck trips per hour in comparison to the original traffic assessment of truck hauling activities during the demolition and earthwork phases. Trucks hauling in earthwork materials would travel a combined total of 1,904 fewer miles per day. Total vehicle trips throughout the duration of the earthwork process would be reduced by 1,956 trips, and total vehicle miles would be reduced by 19,560 miles.

The paving process is estimated to occur for duration of only 10 days, versus 38 days for the combined earthwork and paving activities from the original construction traffic assessment. During construction activities, Costco will be required to monitor traffic to avoid impacts to the public streets and surrounding land uses. Costco will be required to submit a Transportation Management Plan (TMP) to the City for review and approval, and that monitoring occurs during the construction debris crushing activity period.

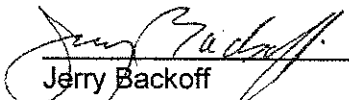
The crushing equipment will be diesel-powered. Air emissions will arise from operation of the generator, from crushing activities, and from truck trips associated with hauling debris offsite and earthwork. During the debris crushing operation the developer shall ensure that the debris crushing equipment is equipped with a mister or water suppression device, that corrugated shaker plates are installed at all entrance/exit points, that all trucks hauling debris offsite are covered with a tarp or canvas, that all activities associated with grading, stockpiling of material and demolition activities suppress potential dust with routine spraying with water trucks, and that developer conduct routine street sweeping on Center Drive during construction activities.

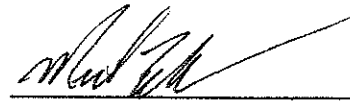
The greenhouse gas & air quality analysis determined that emissions from construction are below the significance thresholds and no significant air quality impacts from the debris crushing operation are anticipated from the project.

Attachment(s)


Resolution PC 10-4189 (CUP 10-822)
A - Exhibit (Stage 1 & 2 / Site 1 & 2)
B - Exhibit (8-foot high fence)
C - Site Plan & Crusher Elevation
D - ND 10-804

Submitted by:


Jerry Backoff
Planning Division Director


Michael Edwards
City Engineer

Reviewed by:


Charlie Schaffer, Director
Development Services Department

RESOLUTION PC 10-4189

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS CITY APPROVING A MAJOR CONDITIONAL USE PERMIT FOR THE TEMPORARY CRUSHING OF BUILDING AND PARKING LOT DEMOLITION MATERIAL AS PART OF COSTCO'S RELOCATION AND CONSTRUCTION ACTIVITIES WITHIN THE NORDHAL MARKETPLACE LOCATED IN THE RICHLAND NEIGHBORHOOD

Case No.: CUP 10-822
Costco Wholesale

WHEREAS, Costco Wholesale was approved by the City Council on November 8, 2009, to relocate and construct a new Costco warehouse within the Nordahl Marketplace, which contemplated exporting building demolition debris offsite; and

WHEREAS, Costco changed the construction approach to utilize crushed building debris on site and reduce truck trips; and

WHEREAS, the City of San Marcos received an application from Costco Wholesale requesting approval of a Conditional Use Permit to allow the temporary crushing of building and parking lot demolition material, located at 717 and 725 Center Drive, more particularly described as:

Parcel A: A portion of lot 3, block 9 and a portion of lot 10, block 8, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the office of the San Diego County Recorder December 21, 1895. Parcel B: A portion of lots 2 and 3, parcel map No. 14529, in the City of San Marcos, County of San Diego, State of California, as recorded October 28, 1986 as file No. 86-488588 of official records. Parcel C: A portion of lots 2, 3 and 4 of parcel map No. 14529, in the City of San Marcos, County of San Diego, State of California, as recorded October 28, 1986 as file No. 86-488588 of official records. Parcel D: A portion of Lot 4 of parcel map No. 14529 in the City of San Marcos, County of San Diego, State of California, as recorded October 28, 1986 as file No. 86-488588 of official records. Parcel E: That portion of Center Drive described in Resolution No. 85-2267 recorded July 17, 1986 as instrument No. 86-296057 of official records, lying west of parcels "O" and "P" of parcel map No. 19738 of parcel maps, records of San Diego County. Assessor's Parcel No.: 226-111-20, 226-111-27, 226-111-54, 226-111-55 & 226-111-56.

WHEREAS, the Development Services Department did study and recommend approval of the request; and

AGENDA ITEM
2

WHEREAS, a public workshop to discuss the temporary crushing operation with the surrounding neighborhood was held on August 5, 2010; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND #10-804) for this project pursuant to CEQA as well as the supplemental traffic, noise, and air quality analyses of the minor changes to the construction activities, including the temporary crushing operation; and

WHEREAS the required public hearing held on October 4, 2010 was duly noticed and held in the manner prescribed by law; and

WHEREAS, the Planning Commission's decision is based upon the following findings and determinations:

1. The proposed Conditional Use Permit, together with the proposed staff conditions of approval, is consistent with the policies and intent of the Richland Neighborhood in that the proposed debris crushing operation will allow for the redevelopment and rehabilitation of an older portion of an existing upgraded center.
2. The proposed CUP, with the proposed staff conditions, will not be detrimental to the public health, safety or welfare, the surrounding land uses in the area, in that the proposed debris crushing operation will; be set back a sufficient distance so as not to create a negative noise impact on the adjacent residential neighborhood, reduce construction truck trips and vehicular traffic to and from the site, as well as the duration of the construction phase.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The supplemental traffic, noise, and air quality analyses show that minor changes to the construction activities, including the temporary crushing operation, will not result in any significant impacts or otherwise contradict the conclusions in Mitigated Negative Declaration (ND #10-804), and such Mitigated Negative Declaration remains the appropriate CEQA clearance for the proposed project, and the subject CUP, is hereby approved.
- C. The CUP is hereby recommended for approval subject to the following conditions:
 1. Prior to reliance on the CUP and operation of the debris crushing, the following conditions shall be complied with:
 - a. The applicant shall post cash securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their

designees to cover cost of any potential damage resulting from the debris crushing activities.

- b. The debris crushing operation is approved at the Stage 1 and Stage 2 locations identified on the final CUP plan. Stockpiles of demolished building material and asphalt shall be utilized and placed around the crusher locations as buildings are demolished to further attenuate noise as demolition progresses.
- c. Prior to demolition or crushing material, a Transportation Management Plan (TMP) shall be submitted to address how traffic monitoring will be conducted on the public streets and methods to avoid impacts to surrounding land uses. The Transportation Management Plan is subject to final review and approval by the City.
- d. The applicant shall provide proof to the City that adequate construction parking, through submittal of a construction parking plan, is provided off-street. Said construction parking plan shall be approved by the City.
- e. A decorative 8-foot high permanent wall shall be constructed along the northern property line prior to the onset of crushing operations.
- f. A temporary 8-foot high plywood barrier shall be constructed along the western property line in area as depicted in the acoustical report, and remain in place until the crushing of the demolition material has ceased.
- g. Developer shall install a temporary 8-foot high perimeter chain link fence with green mesh surrounding the construction area.
- h. The applicant shall obtain a demolition permit from the Building Division prior to any demolition activities.
- i. The applicant shall submit a demolition plan and instruments of service shall be signed and sealed by a California licensed design professional as required by the State Business and professions Code.
- j. The City of San Marcos is located in Seismic Design Category "D". All demolition activities shall adequately address the transmission and dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
- k. The applicant must identify the location of storage, use or handling of hazardous, toxic or flammable materials which shall be clearly indicated on the site plan or floor plans submitted for a building permit. Materials

shall be identified in accordance with Health and Safety Code Section 25101.

- l. City approval is required for hauling of building materials on City streets. The haul route shall be established per City's direction. Truck traffic shall be limited to off peak hours on arterial streets.
 - m. The applicant shall modify the existing Storm Water Pollution Prevention Plan (SWPPP), on file at the City to include the debris crushing operation for the project.
 - n. An operational noise test shall be performed with the results submitted to the Planning Division to verify noise levels.
 2. During the operation of the rock crusher, the following conditions shall be complied with:
 - a. The applicant/developer shall not create dust clouds that are visible beyond the property line and that a sign be posted that contains both the name and phone number of the contractor/builder representative for dust control, as well as for the San Diego County APCD to send an inspector in case of violations of the opacity regulation.
 - b. The applicant shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction -- NEVER as a single or primary method.
 - c. The debris crushing operation shall be limited to the timeframes of approximately 25 working days, Stage 1, and approximately 45 working days, Stage 2. Weather and wind conditions could affect these timeframes, but the timeframes should be adhered to, to the extent feasible.
 - d. The noise levels at the nearest property line shall not exceed 60 dBA Leq., measuring noise generated by the debris crusher.
 - e. The debris crusher shall contain an operating water spray system to maintain adequate moisture on both the raw material feed and finished material discharge.
 - f. The applicant shall comply with all screening measures identified in the acoustical report.
 - g. The crusher shall be oriented with the operator platform facing south or east away from off-site homes.

- h. The applicant shall comply with all requirements of the San Marcos Fire Department including the following:
 - (I) A minimum of 24-foot wide roadway must be provided for emergency access to the rock processing equipment.
 - (II) Adequate fire truck turn-around area must be provided, to the satisfaction of the San Marcos Fire Department.
 - (III) A permit shall be obtained from the San Marcos Fire Department for the storage of any flammable liquid material.
- i. The applicant shall obtain any required OSHA permits in accordance with the California Code of Regulations, Title 8, Section 1503.
- j. Prior to commencement of grading, the developer shall enter into a pre-excavation agreement with a representative of the San Luis Rey Band of Mission Indians. The purpose of the agreement shall be to formalize procedures for the treatment of Native American human remains, burial ceremonial, or cultural sites than may be uncovered during any ground disturbance activity.
- k. The project applicant shall include a qualified archeologist and San Luis Rey Band of Mission Indians monitor at the pre-grading meeting to increase the project workers' awareness of the potential for uncovering archeological resources and to explain the procedures to follow if any are found. The paleontological and archeological monitors shall be provided with grading plans and schedule prior to commencement of grading and excavation.
- l. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented during project construction.
- m. The construction contractor shall be required to implement the approved SWPPP and any amendments thereafter. The SWPPP shall include site-specific best management practices (BMPs) such as sand bagging to prevent siltation of surface runoff from debris piles.
- n. During the debris crushing operation, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8,

Section 5155. Water and dust palliative shall be used to prevent excessive dust.

- o. Placement of the debris crusher shall be located at the location identified on the site plan and as required by the acoustical analysis. Temporary plywood acoustical barrier shall be installed during all rock crushing operations as required by the acoustical analysis.
- p. The applicant shall be responsible for conducting the use in a manner as not to become obnoxious by reason of noise, refuse matter, odor, dust, smoke, maintenance of grounds and buildings, or to have a detrimental effect on the surrounding properties and improvements.
- q. No rock or additional construction debris material shall be imported from outside the "Project Area" to be processed by the debris crusher.
- r. No sale for export of debris crushed construction material shall be allowed from the Project area.
- s. If archeological artifacts are discovered, the archeological monitor shall be allowed to temporarily divert or direct grading and excavation until such time that a data recovery plan can be developed and implemented. Work outside the area of the find shall proceed along with the continuation of archeological monitoring.
- t. If a data recovery program is implemented for recovered archeological artifacts, all cultural materials from testing, monitoring, and data recovery phases of the project, except burial-related artifacts and as otherwise required by law, shall be cleaned, catalogued, and permanently curated at an appropriate institution meeting the standards defined in the State of California Guidelines for the Curation of Archeological Collections, dated May 1997. Repatriation of material shall be handled in accordance with the requirements of the California Native American Graves Protection and Repatriation Act. All artifacts and all faunal material shall be analyzed.
- u. Should artifacts or items of potential paleontological significance be discovered during the project construction activities, all work in that area shall be halted and a qualified paleontologist shall be summoned to the site to evaluate the find. Should the resource be determined significant, a recovery and catalog program shall be implemented.

- v. If human remains are encountered during earth removal or disturbance, all activity within the area of the find shall cease immediately and the County Coroner shall be contacted, pursuant to Public Resources Code Section 5097.98. No further disturbance shall occur within the area of the find until County Coroner has determined origin and disposition. If the remains are determined to be prehistoric, the Coroner shall notify a Most Likely Descendent (MLD). With the permission of the landowner or his/her authorized representative, the descendent may inspect the site of the discovery. The descendent shall complete the inspection within 24 hours of notification by the NAHC. Reasonable recommendations of the MLD regarding scientific removal and nondestructive analysis of human remains and is associated with Native American burials shall be observed.
- w. The contractor, permittee, or project owner shall be responsible for continual maintenance of erosion control devices as shown on the erosion control plan or per City standards. The City may revoke the grading permit for noncompliance with the City's Storm Water Management Program. The permits shall not be renewed until the erosion control system complies with City standards.
- x. The applicant shall comply with all City ordinances and regulations applicable to the rock crushing operations authorized by the CUP, except that the conditions of this CUP shall apply if they are deemed more restrictive than those contained in the City ordinances and regulations.
- y. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations.
- z. The applicant/building/contractor shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and construction of buildings in accordance with the California Code of Regulations, Title 8, Section 1503.
- aa. The applicant shall obtain all necessary permits from the San Diego Air Pollution Control District ("APCD") and comply with proper equipment and operating regulations and procedures, including:
 - (I) Water sprayed on unpaved roads, parking areas, and staging areas two times daily or at sufficient frequency to keep soil moist enough so visible dust plumes are eliminated.

- (II) Water sprayed on rock materials undergoing rock crushing process at sufficient frequencies. Automatic water mist or sprinkler system should be installed in areas of rock crushing.
- (III) Conformance with all conditions of approval for dust control required by the APCD permit as applicable.
- (IV) The applicant shall also file copies of said permits (and all related conditions) to the Planning Division.

The applicant shall ensure that:

- (i) The debris crushing equipment shall be equipped with a mister or water suppression device.
 - (ii) Corrugated shaker plates shall be installed at all entrance/exit points.
 - (iii) All trucks hauling debris offsite shall be covered with a tarp or canvas.
 - (iv) All activities associated with grading, stockpiling of material and demolition activities shall suppress potential dust with water trucks.
 - (v) Routine street sweeping on Center Drive is required during construction activities.
- D. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution.
- E. The applicant shall ensure that the grading and other construction activities meet the provisions specified in the State RWQCB 2009-0009-DWQ, NPDES General Permit No. CAS 000002.
- F. The debris crushing operation shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
- G. No work shall be conducted on Sundays or holidays observed by the City of San Marcos. Failure to comply with result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.

- H. Per Building Code Section 104.2.4, the City may order work stopped by written notice when the project violates the Grading Ordinance, Storm Water Management Program, or conditions contained within this Resolution, PC 03-3676. No work shall be allowed on the project until the City authorizes the work to proceed.
- I. All conditions of Resolution 2009-7294 (CUP 09-805), Resolution 2009-7295 (CUP 09-812), Resolution 2009-7296 (SDP 09-339) and Ordinance 2009-1327 (SP 82-01 (09M)) are hereby incorporated by reference and shall be complied with.
- J. The applicant shall comply with all relevant sections of the San Marcos Municipal Code.
- K. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- L. To the extent permitted by law, applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Conditional Use Permit; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant/developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Conditional Use Permit, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 4th day of October 2010, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

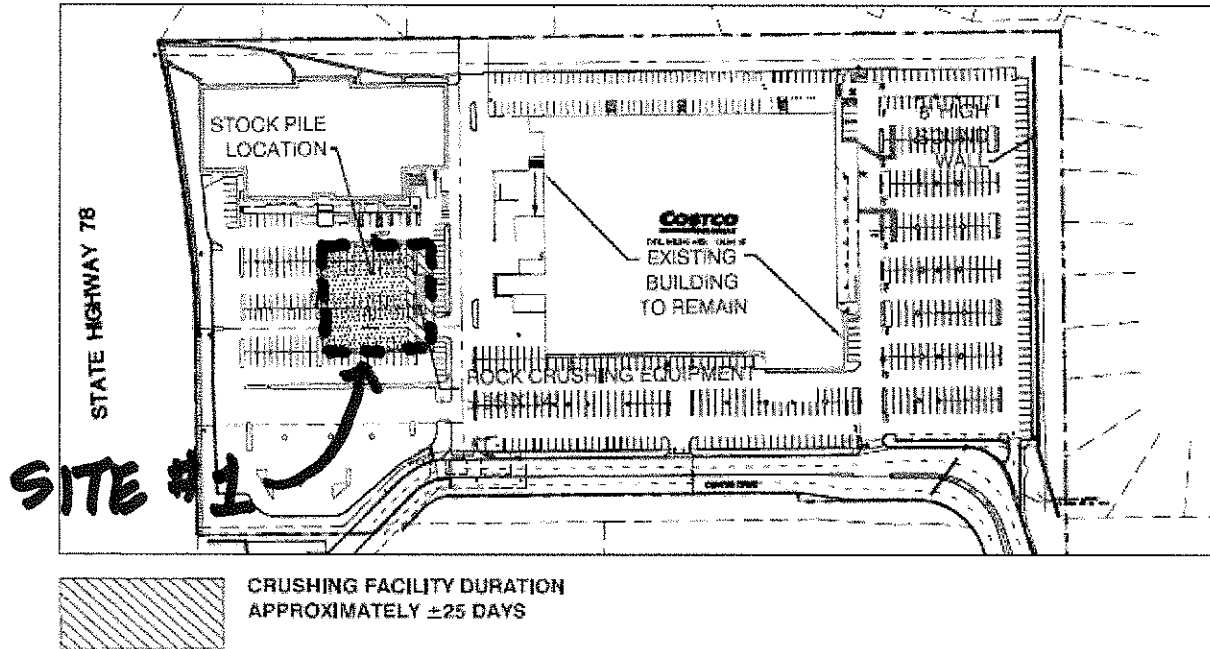
Steve Kildoo, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

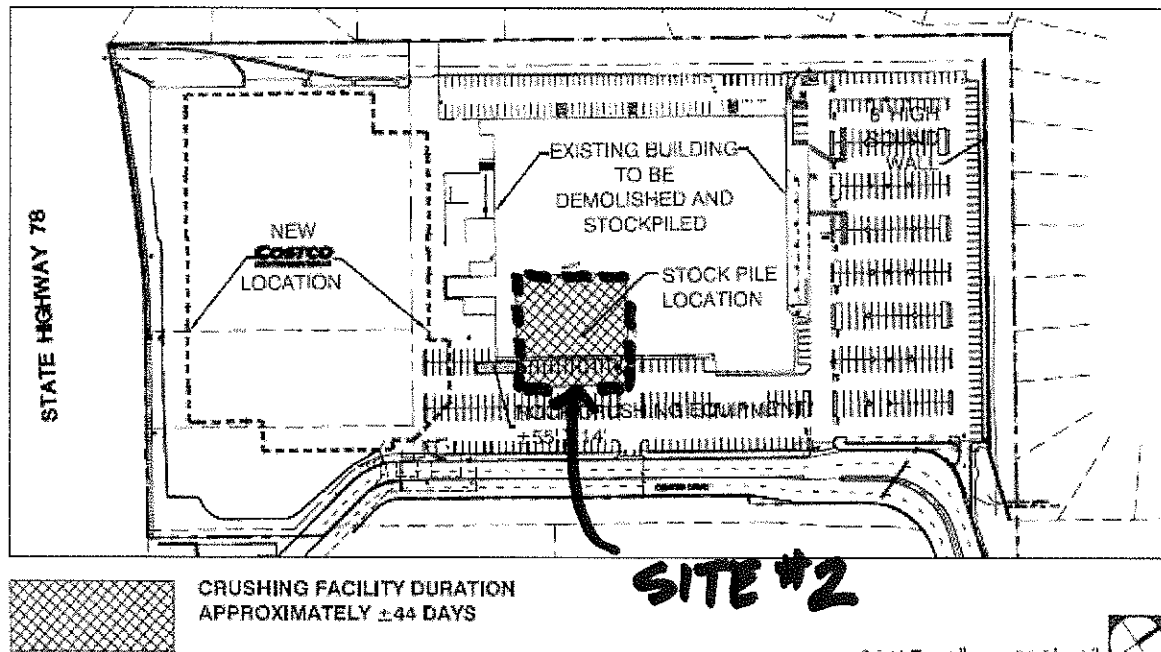
Lisa Kiss, Secretary
SAN MARCOS CITY PLANNING COMMISSION

A

STAGE 1



STAGE 2



SCALE: 1" = 200'-0"



SITE PLAN
SAN MARCOS, CA

ON-SITE CONSTRUCTION DEBRIS CRUSHING
07.13.2010

" B "

Location of 8-foot High Western Property Line Barrier

