

**Sibbet, David**

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**From:** chickeyrose@aol.com  
**Sent:** Sunday, October 06, 2019 3:15 PM  
**To:** Sibbet, David  
**Subject:** RECYCLING FACILITY ON WEST SIDE OF I-15

Mr. David Sibbet, Planning Manager  
 County of San Diego - Planning and Development Services  
 5510 Overland Avenue, Suite 310  
 San Diego, CA 92123

Dear Mr. Sibbet,

RE: PROJECT TO BUILD A RECYCLING FACILITY ON THE WEST SIDE OF I-15

Recently we were notified that the County intends to accept a California Environmental Quality Act (CEQA) report, streamlining the acceptance rather than requiring a full (EIR) Environmental Impact Report – meaning the construction is moving forward at this point. The (CEQA) exemption document is riddled with inaccuracies and refers to documents provided by the developer as old as 2014. **We need to point out incorrect view, noise and air quality impact called out as having “no impact to our community health.”**

We've been through this fight before in our neighborhood and are tired of fighting, only to have, after 6 years of fighting, high density housing dumped on our former golf course in the Country Club area. Now we have this new doomsday project looming over us. We know now that BIG MONEY ALWAYS WINS OUT.

Please listen to the concerns of the people in the neighborhoods that will be impacted by a decision to go ahead with the building of this facility so close to residential neighborhoods. Besides the detrimental impact of all the traffic and resulting poor air quality associated with the massive building on the golf course, among other things we will now have to endure the unhealthy air quality associated with the building of this recycling facility.

**HERE ARE THE MANY REASONS NOT TO PERMIT THIS PROJECT TO GO FORWARD:**

**Air Quality:** Possible negative health consequences due to decreased air quality and a lack of emissions monitoring from this site. Emission of silica dust from concrete crushing and handling operations on the facility is a particular concern. Those downwind from the facility may be significantly impacted by particulates and other contaminants in the air– the prevailing winds in our area blow directly from the project site to our neighborhoods. The impacts will extend to areas along Mesa Rock Road and Centre City Parkway because of the truck traffic carrying the waste material to the site.

**Air Quality Monitoring:** The project scope is severely lacking in terms of appropriate monitoring and alert systems for emissions. There is a vagueness regarding the rate at which the processing equipment will operate. Emissions are directly related to the operating rates and these must be made specific enough to properly calculate emissions. The applicant states that they will ship 2 truckloads – 48 tons/day of product, half of which will be crushed aggregate from construction debris. The site is allowed to receive 174 tons/day of product- the facility could accumulate a week's worth of incoming material and process it in less than a day, thus grossly exceeding particulate threshold limits of 100 lbs./day for PM10. Emissions should be calculated on the basis of operating capacity of the processing equipment used on site and the hours of operation allowed per day.

**Production:** The applicant claims that 48 tons of material will be produced daily, and the environmental impact reports submitted are based on that level of output. The applicant is legally allowed to produce 174 tons daily which would vastly increase impacts to the surrounding area and render their submitted environmental reports invalid. If the applicant's production levels are not capped at the current estimate of 48 tons per day, the environmental studies submitted the County are no longer accurate or valid in terms of representing real-life levels. It appears the production levels may have been purposely lowered to a point where the established General Plan EIR mandates are complied with.

Even if the production levels are limited to 48 tons/daily, enforcement to ensure compliance with that standard would be left to County Code Enforcement. Residents have had some experience with code enforcement and understand they are overworked and understaffed. We have little confidence any meaningful enforcement will be forthcoming.

**Noise:** Machinery capable of delivering and processing concrete and other building materials operating between the hours of 5am to 7pm, Monday through Saturday. These operating hours are far outside the mainstream of other similar businesses. The residential area around the facility would be severely impacted – residents may not be able to enjoy their property, particularly outside.

According to the applicant's own report, the Supplementary Noise Technical Analysis (page 3), the anticipated nighttime noise may exceed established County limit of 57.5 decibels. When operated together, the wheel loader and C&D crusher will emit 58 decibels of sound according to the report. Since the plans submitted for the site do not contain a description of the types of machinery being employed, we believe the noise levels cannot be accurately estimated by the applicant's consultant.

The estimates provided in the report do not appear to have been tailored to this specific site. The area around the proposed center is shaped like an amphitheater – the sound will be reflected toward the neighborhoods to the east, and unless that feature has been considered, the noise estimates in the acoustic study may be lower than reality. There was no mention of the hills affecting the sound in the report. The only mentions of topography was the mitigating effects of hills between the site and the neighborhood to the east.

**Traffic:** Heavily loaded incoming and outgoing trucks will travel the roads parallel to Interstate Highway 15 on the west and east sides, with corresponding engine emissions and dust released from the cargo. The communities along these roads will be impacted by this traffic and the service life of the roads will be significantly affected. Tractor trailers and other heavy vehicles.

The Minnesota Department of Transportation published a study that indicates heavily-laden trash trucks and semi-tractor-trailers are responsible for wear on roadways that is hundreds of times greater than ordinary passenger vehicles. (<https://www.lrrb.org/pdf/201432.pdf> page 9). Mesa Rock Road has little heavy truck traffic currently, but this site will cause a substantial increase.

**Full Environmental Impact Report:** Our concerns will be covered more thoroughly if the applicant is forced to produce a full Environmental Impact Report about the project. The County determined the full report was necessary in 2015. The applicant is attempting to use the California Environmental Quality Act (CEQA) process to provide minimal information in an attempt to satisfy existing County environmental standards. Given the potential impact of the project on the

surrounding area, a full Environmental Impact Report should be required. One of our resident/subject matter experts believes the process is not in keeping with the requirements of Title 14, Chapter 3 of the California Code of Regulations.

**Production Levels:** In the opinion of experienced business owners, this project is not economically viable with outgoing shipments of 2 truckloads/day considering the scope of land improvement/capital expenditure being undertaken, the facilities needed for that level of productivity, and operating costs to include employee pay and benefits and taxes. Future increases in processing of materials is likely; this will result in a higher level of impact to the surrounding area than is being estimated in the applicant's submittals to the Planning and Development Department.

**Fire:**

There is a significant risk of fire in the area of this project. Several residents have had their fire insurance cancelled, some more than once. At the same time, recycling centers in Southern California appear to have a propensity for fire:

San Marcos Nov. 7, 2014 – Fire at San Marcos trash and recycling facility: <https://www.nbcsandiego.com/news/local/Flames-Leap-from-Trash-Pile-at-San-Marcos-Waste-Facility-281994841.html>

Spring Valley, August 2, 2016 - Fire at recycling center

injures firefighter, damages home <https://patch.com/california/lamesa/firefighter-injured-fire-spring-valley-recycling-center>

Lakeside, September 23, 2016 Fire at recycling center <https://www.cbs8.com/article/news/explosion-sparks-fire-at-recycling-plant-in-lakeside/509-57239699-966c-426e-90a8-62d5abd105b5>

Ontario, October 21, 2016 Fire at recycling center

<https://www.cbsnews.com/news/recycling-plant-fire-in-ontario-southern-california-burns-out-of-control/>

El Cajon May 16, 2018, Recycling plant bursts into flames <https://www.10news.com/news/recycling-plant-bursts-into-flames-in-el-cajon>

Fire at the project site during a Santa Ana wind condition could easily lead to fire racing up the hills to the east and impacting San Marcos' residential areas.

**Delay in Review Period:** The hundreds of pages of information submitted by the applicant cannot be adequately reviewed by residents in the 30-day time period allowed by the Planning and Development department – the comment period is closing on October 28, 2019. We should have at least 90 days to examine the documentation and fully understand the impacts on our neighborhoods.

**Need for Facility of This Type:** There are other similar facilities less than 10 miles away from this location that can provide the required service to those who need it. There is no benefit to the surrounding neighborhood from having a recycling center at this location. The site will not be open to the public, so we cannot even take advantage of its services with our own waste at that location.

**Zoning:** Spot zoning is often described as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other

owners."<sup>[1]</sup> This appears to be a classic case of spot zoning. Michigan State University identified four criteria to indicate spot zoning:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.
- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

[https://www.canr.msu.edu/news/how\\_to\\_spot\\_a\\_spot\\_zoning](https://www.canr.msu.edu/news/how_to_spot_a_spot_zoning)

### **San Diego County General Plan Goal LU 16.2 - Integrity of Waste Management Facilities.**

Avoid encroachment of incompatible land uses upon solid waste facilities in order to minimize or avoid potential conflicts. <https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/LandUseElement.pdf>

San Diego County General Plan

CHAPTER 3 LAND USE ELEMENT

COUNTY OF SAN DIEGO GENERAL PLAN 3-16

#### **High-Impact Industrial.**

This designation provides for freestanding industrial development in areas with access to key transportation corridors at a maximum FAR of 0.35. Typical uses within this designation are similar to those of the Medium Impact Industrial designation and include: manufacturing, processing, and assembly; warehousing and distribution; large equipment supply and sales; and other industrial and commercial activities that are generally incompatible with dissimilar adjacent land uses. However, the off-site impacts of industrial uses in this designation are likely to be more significant due to process, product, and reliance on outdoor operations or storage of process materials and product. Therefore, this designation may be incompatible with most Village areas and must be thoughtfully applied in any location in the unincorporated area. In certain limited circumstances it may be designated near the periphery of Village areas where the industrial use is isolated from residential and commercial designations and all allowed uses are adequately screened and buffered to eliminate unacceptable off-site impacts. Secondary support uses are also allowed in this designation, including related business and industrial services.

<https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/LandUseElement.pdf> Page 16 on the web or 3-16 in hard copy

From: **Foothill Communities Coalition v. County of Orange (2014) 222 Cal.App.4th 1302**

"The rezoning of property, even a single parcel, is generally considered to be a quasi-legislative act' thus 'subject to review under ordinary mandamus.' The standard for review of a quasi-legislative act is whether the action was 'arbitrary or capricious or totally lacking in evidentiary support."

**This Site:** The applicant in this case asked for his parcels to be rezoned from semi-rural residential to high-impact industrial use with classification M54. From the San Diego County Zoning Ordinance Summary at <https://www.sandiegocounty.gov/pds/zoning/formfields/PDS-444.pdf> Page 4:

"M54 – General Impact Industrial. Allows unenclosed commercial and industrial operations having potential nuisance characteristics such as construction sales and services"

From the **County of San Diego Use Regulations** found at:<https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/z2000.pdf>

Page 11-14

*"M54 GENERAL IMPACT INDUSTRIAL USE REGULATIONS 2540 INTENT.*

*The provisions of Section 2540 through Section 2549, inclusive, shall be known as the M54 General Impact Industrial Use Regulations. The M54 Use Regulations are intended to create and preserve areas where manufacturing and industrial uses not having high nuisance characteristics may locate."*

*"M54 Use Regulations would be applied near rail and trucking facilities, or other locations where impacts associated with noise, odor and traffic would not impact on residential or commercial areas."*

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[1] Anderson's American Law of Zoning, 4th Edition, § 5.12 (1995)

**Respectively Submitted,**

**Robert & Rosemarie Woldin**

**1471 Vaquero Glen, Escondido 92026**