



DATE: June 9, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-35-07) TO PERMIT A COMMERCIAL RECYCLING FACILITY WITHIN AN EXISTING 14,000-SQUARE FOOT BUILDING LOCATED AT 395 VIA DEL MONTE, WITHIN THE AIRPORT NEIGHBORHOOD. – BEN’S RECYCLING – APPLICANT: KWAK CORPORATION DBA, BEN’S RECYCLING**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2008-P37 approving Conditional Use Permit (C-35-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The project is located north of San Luis Rey Road, on the west side of Via Del Monte. Ben’s Recycling has been in operation since 1995 and was approved for its operation on September 25, 2008 under Conditional Use Permit (C-23-95). Conditional Use Permit (C-23-95) permitted the 5,200-square foot building as a commercial recycling facility.

The project entails the establishment of a recycling facility at 2929 San Luis Rey Road. The subject use is a large collection recycling facility for aluminum/Bi-metal cans, plastic bottles, glass beverage containers, brass, copper, steel/iron, electronics and other products such as paper and cardboard.

Site Review: The subject site zoning designation is IL (Limited Industrial) and the General Plan Land Use Category is IL (Light Industrial). Surrounding land uses include Light industrial uses such as a light manufacturing business, surfboard manufacturing and a warehouse and distribution storage facility. The project site area is within the Airport Neighborhood and is currently developed with a warehouse building.

Project Description: The project application is comprised of the following component; a Conditional Use Permit (C-35-07) as follows:

Conditional Use Permit (C-35-07): represents a request for the following:

- (a) To permit the operation of a commercial recycling facility defined as Ben's Recycling within an existing 14,000-square foot building located at 395 Via Del Monte Road. Ben's Recycling currently operates within an existing 5,200-square foot building at 2929 San Luis Rey Road, and the proposed Conditional Use Permit would allow the business to relocate and conduct commercial recycling for the public. The subject site would also serve as a storage facility for excess recyclable materials that cannot be processed on-site, and would be staged for pick-up and transfer to an off-site processing facility.

This subject site at 395 Via Del Monte would be open to the public, contractors, and manufactures for the use of recycling materials for redemption of cash. Operation of the business would be Monday through Saturday from 9:00 a.m. until 5:00 p.m., and will be closed all major holidays. The public would be able to use the facility to recycle metals, plastics, glass, paper and electronics to receive cash based on the weights of the products.

The purchased materials from the public will be stored, cut, sheared, baled, or boxed accordingly for temporary storage and shipment. Ben's Recycling has been conditioned to not purchase, handle, or dispose of any materials deemed to be hazardous or even remotely hazardous, and all run off from the property would be properly filtered and managed in accordance with the City of Oceanside's Storm Water Management Program.

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. CEQA

ANALYSIS – KEY PLANNING ISSUES

1. General Plan conformance

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

II. Community Development

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Section 2.1 Industrial Development

Objective: 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 opportunity, and general welfare.

Allowing the Ben's Recycling to locate its primary recycling facility at 395 Via Del Monte, has been reviewed by staff for consistency to the surrounding uses and the surrounding land uses. Ben's Recycling would not only provide additional employment opportunities and help preserve the City of Oceanside's economic welfare, but provide economic activity to the neighborhood. The proposed recycling facility will be consistent with the Goals and objectives as specified in the General Plan for Industrial businesses and help occupy a underutilized building that is in need of economic activity.

2. Zoning Compliance

This project is located in a LI (Limited Industrial) zone district. Pursuant to the land use regulations of the IL District, commercial recycling facilities are subject to the approval of a Conditional Use Permit, and pursuant to Section 13 of the Zoning Ordinance.

The following table depicts the parking requirements pursuant to Article 31 of the OZO:

PROPOSED USE	BUILDING AREA	PARKING SPACES REQUIRED	PARKING SPACES PROPOSED
Commercial Recycling Facility	14,000 sq. ft.	(6 Spaces plus 1 space for commercial vehicles)	31
Total	14,000 sq. ft.	7	31

As depicted in the table above the proposed Recycling facility will require seven parking stalls, and the proposed parking will be met and exceed the requirement with 31 parking stalls.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Industrial Warehouse building
North of Subject Property	Light Industrial (LI)	Limited Industrial (IL)	Office and manufacturing
East of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Surf board Manufacturing
South of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Office
West of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Light Manufacturing

DISCUSSION

Issue: Will the relocation of the primary customer service portion for the Ben's Recycling Facility at 395 Via Del Monte for storage and recycling of materials negatively impact the surrounding neighborhood?

Recommendation: Staff has reviewed the application for the expansion of the existing commercial recycling facility located at 2929 San Luis Rey to be located at 395 Via Del Monte and has found the proposal to consist of limited impacts to the area and neighborhood. Staff reviewed the submitted noise, parking and traffic analysis for the site and the neighborhood and found the documents very helpful in determining that limited impacts will exist due to the relocation of the facility. Enabling the existing location at 2929 San Luis Rey to remain as a storage area for bulk storage for the proposed commercial recycling facility at 395 Via Del Monte will not negatively impact the area due to its limited demands and no customer traffic being generated from the storage facility. The use of the existing building at 395 Via Del Monte would provide an ample amount of square footage for the Ben's Recycling facility to conduct business in a safer and efficient manner. The existing location at 2929 San Luis Rey Road did not provide enough space for the high demands of recycling needed for the public, therefore the use of this new location will enable the business to meet the customer demands and provide enough square footage for future needs.

In summary, the relocation of the recycling facility will enable Ben's Recycling facility the opportunity to increase the amount of recycling needed to meet the current demands from the public and help the City of Oceanside's public more opportunity to recycle and receive cash redemption.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 1, Article 19, Section 15301 Existing Facilities, of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of June 9, 2008 no communication supporting or opposing the request has been received.

SUMMARY

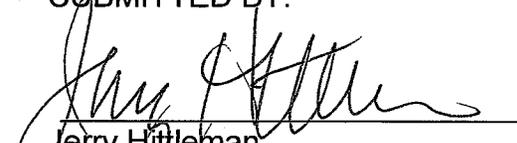
In summary, staff believes that the proposed Conditional Use Permit is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. Therefore, staff finds that the use of an existing building for the use of a commercial recycling facility at 395 Via Del Monte will be compatible with the existing use and will not negatively impact the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve Conditional Use Permit (C-35-07) and adopt Planning Commission Resolution No. 2008-P37 as attached.

PREPARED BY:


Scott Nightingale
Planner II

SUBMITTED BY: ~


Jerry Hittleman
City Planner

REVIEWED BY:


Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Site Plan/Architectural Plans
2. Planning Commission Resolution No. 2008-P37
3. Planning Commission Resolution No. 95-P43
4. Noise Study
5. Traffic Analysis
6. State Water Resource Control Board Compliance

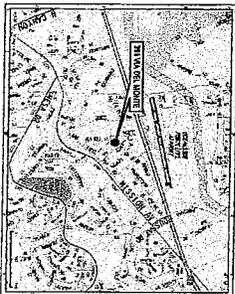
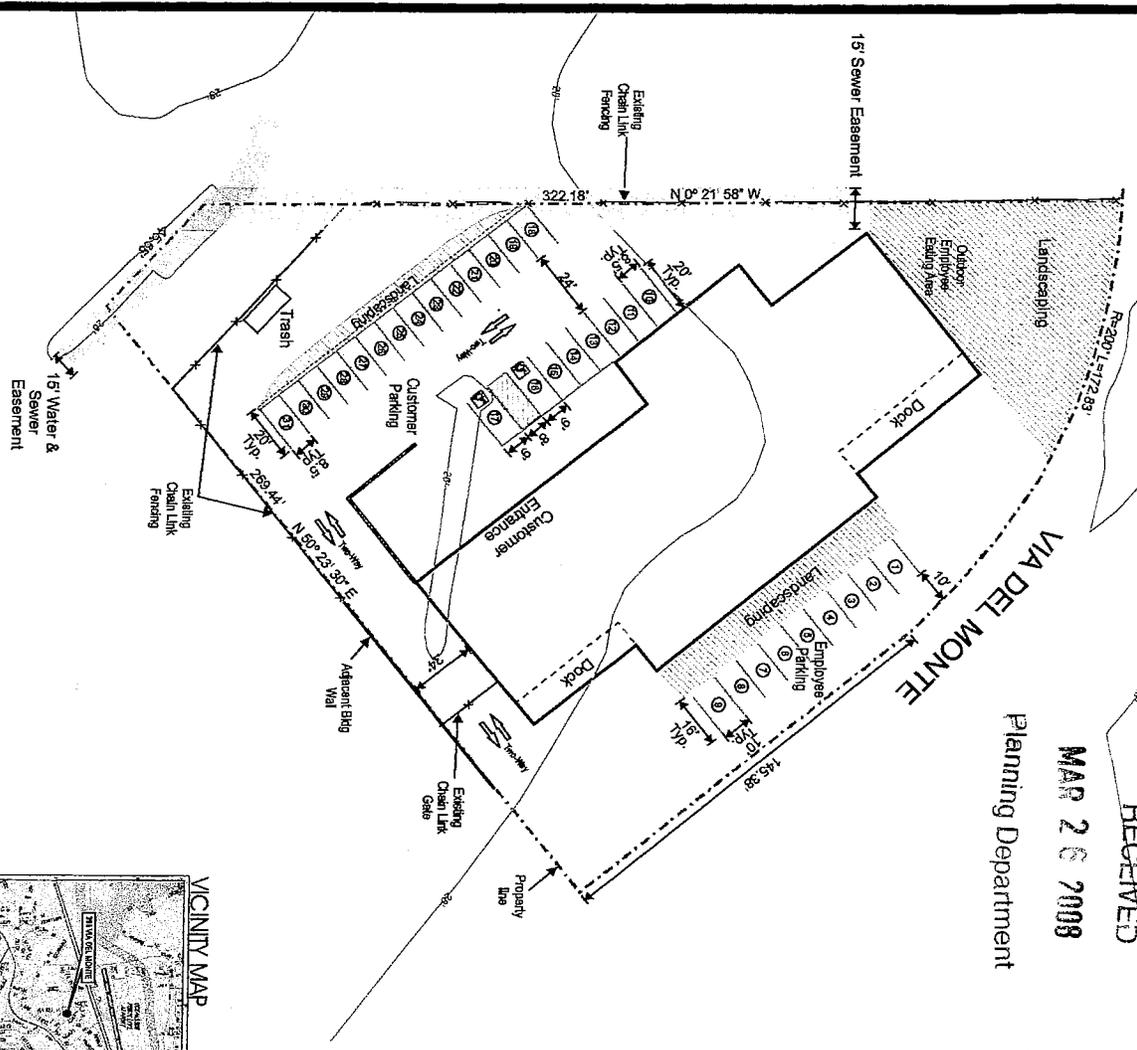
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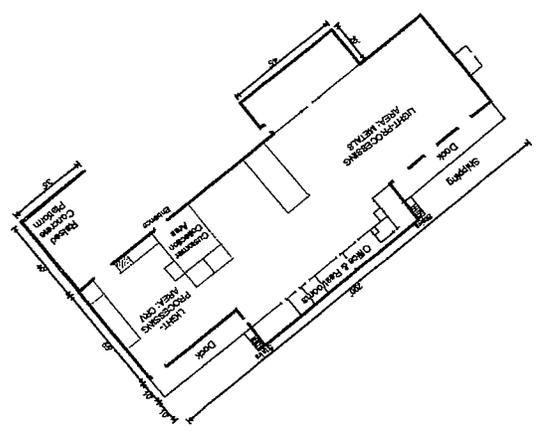
SITE PLAN

Scale: 1" = 30'



FLOOR PLAN

Scale: 1" = 40'



PROJECT DATA

APPLICANT
Kwik Corporation dba
Kwik Recycling and Shrap Metal
Byung (Ben) K. Kwik
2228 San Luis Rey Road
Oceanside, CA 92054
760-961-4973

APPLICANT'S REPRESENTATIVE
The Lightfoot Planning Group
Ann Sophia Kohler
5750 Fleet Street, Suite 250
Carlsbad, California 92008
760-962-1924

PROPOSED USE
Large Recycling Collection Facility

SITE INFORMATION
Site Location: 395 Via del Monte
Oceanside, CA 92058
APN: 146-090-28-00
Parcel Size: 1.18 acres
Existing Building Size: 14,000 sq ft

Existing Zoning: I - Light Industrial
Existing Land Use: Light Industrial
Landscaping: 12% Proposed

PARKING
Required Parking: Large Recycling Collection Facility
8 Parking Spaces
Provided Parking: 31 Parking Spaces

LEGAL DESCRIPTION
Real property in the City of Oceanside, County of San Diego, State of California, described as follows:
Lot 2 of Resubdivision No. 1 of Lot 3, Oceanside Industrial Subdivision, in the City of Oceanside, in the County of San Diego, State of California, according to Map returned No. 4824 filed in the Office of the Recorder of San Diego County, October 31, 1981.

SITE PLAN
FLOOR PLAN
CONTEXT MAPS

Map # 1187-02.1

Ben's Recycling
Conditional Use Permit Application
395 Via del Monte
Oceanside, California

THE LIGHTFOOT PLANNING GROUP
PLANNING
SITE DESIGN
LANDSCAPE ARCHITECTURE
2228 SAN LUIS REY ROAD
OCEANSIDE, CALIFORNIA 92054
760-961-4973



LANDSCAPE CONCEPT PLAN

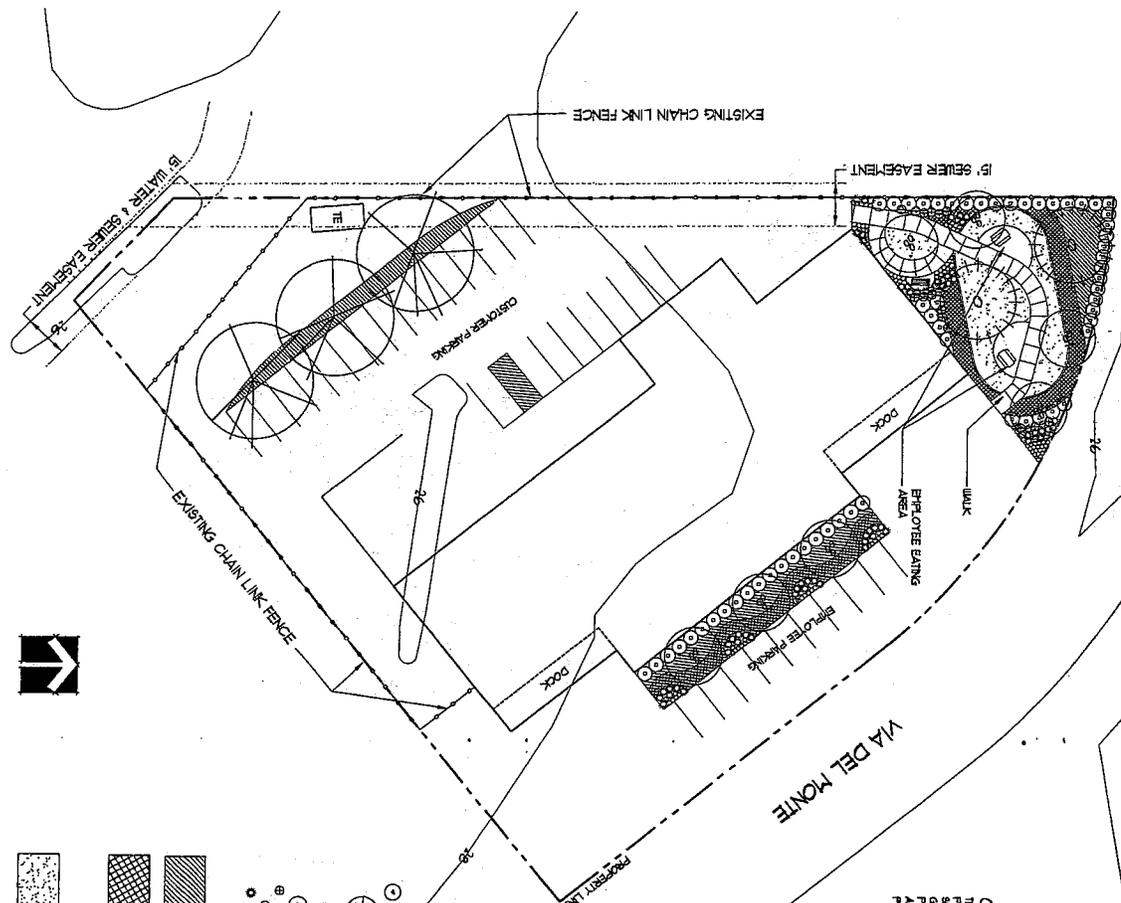
BEN'S RECYCLING C.U.P. (C-35-07)

PLANNING NOTES

THE SELECTION OF PLANT MATERIAL IS BASED ON CLIMATIC, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. CONDITIONS SUCH AS SOIL TYPE, EXPOSURE, AND SOIL FERTILITY SHOULD BE TAKEN INTO ACCOUNT. PLANTING SHOULD BE TAKEN FROM THE SITE. GRADE COVERS SHALL BE PLACED BETWEEN THE EXISTING PAVEMENT AND THE NEW PAVEMENT. THE SOIL SHALL BE ALLOTTED TO HELP CONSERVE WATER. LOWER THE SOIL TEMPERATURE, AND REDUCE WEED GROWTH. THE LANDSCAPING SHALL MEET THE REQUIREMENTS OF THE CALIFORNIA PLANTING GUIDELINES AND SPECIFICATIONS FOR PLANTING. THE PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF OCEANSIDE PLANTING ORDINANCE AND CURRENT STREET TREE BYLAWS.

IRRIGATION NOTES

AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE COVERAGE FOR ALL PLANTING AREAS SHOWN ON THE PLAN. THE IRRIGATION SYSTEM SHALL PROVIDE UNIFORM COVERAGE FOR ALL PLANTING AREAS. THE SYSTEM SHALL BE DESIGNED TO PROVIDE UNIFORM WATER QUALITY. AUTOMATIC CONTROL VALVES, TRENCHES AND OTHER NECESSARY IRRIGATION EQUIPMENT, ALL COMPONENTS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OCEANSIDE PLANTING ORDINANCE AND CURRENT STREET TREE BYLAWS. ALL IRRIGATION IMPROVEMENTS SHALL BE INSTALLED AS PER THE SPECIFICATIONS FOR IRRIGATION SYSTEMS. THE SYSTEM SHALL BE DESIGNED TO PROVIDE UNIFORM WATER QUALITY. AUTOMATIC CONTROL VALVES, TRENCHES AND OTHER NECESSARY IRRIGATION EQUIPMENT, ALL COMPONENTS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OCEANSIDE PLANTING ORDINANCE AND CURRENT STREET TREE BYLAWS.



GENERAL NOTES

THIS CONCEPT LANDSCAPE PLAN IS A DISPRELIMINARY SUBMITTAL OF PROPOSED LANDSCAPING. THE LANDSCAPE SHALL ACCURATELY SHOW PLACEMENT OF TREES, SHRUBS, AND PLANTING MATERIALS. THE PLACEMENT OF TREES, SHRUBS, AND PLANTING MATERIALS SHALL BE SUBJECT TO THE CITY OF OCEANSIDE PLANTING ORDINANCE AND CURRENT STREET TREE BYLAWS.

CONCEPTUAL PLANT LIST

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Landscape
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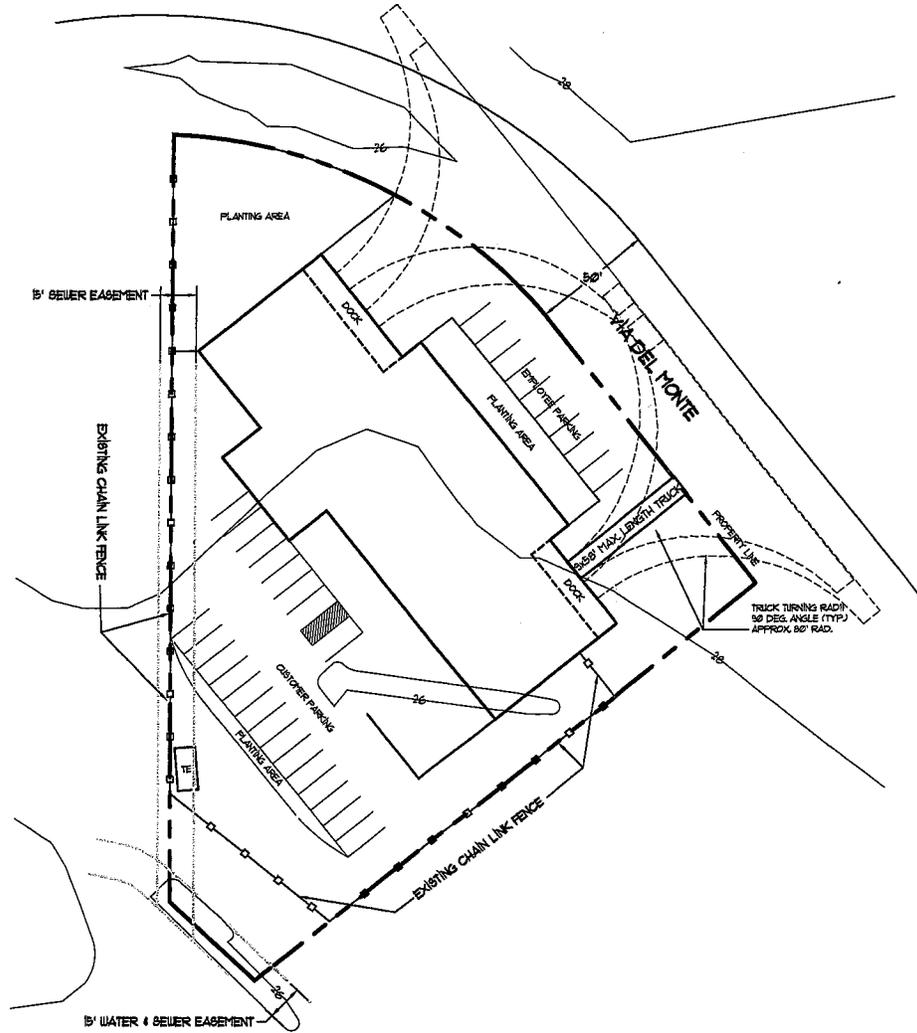
Kwak Corporation
 Ben's Recycling
 Oceanside, Ca



THE
 LIGHTFOOT
 PLANNING
 GROUP
 PLANNING
 SITE DESIGN
 LANDSCAPE
 ARCHITECTURE
 2811
 1100 MILL STREET, SUITE 210
 OCEANSIDE, CA 92054
 (760) 431-1212

TRUCK TURNING TEMPLATE EXHIBIT

BEN'S RECYCLING C.I.



NOTE: LOADING TRUCKS WILL BE TYPICALLY BETWEEN 42 AND 48 FEET LONG, WITH 58 FEET AS THE MAXIMUM LENGTH TRUCK THAT COULD SERVE THE REC

REC
FEB
Plan

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1 PLANNING COMMISSION
2 RESOLUTION NO. 2008-P37

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 CONDITIONAL USE PERMIT ON CERTAIN REAL
6 PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: C-35-07
8 APPLICANT: Ben's Recycling
9 LOCATION: 395 Via Del Monte

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting Conditional Use Permit C-35-07 under the provisions of
14 Articles 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

15 a commercial recycling facility within an existing 14,000-square foot building located at
16 395 Via Del Monte

17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day
19 of June, 2008 conduct a duly advertised public hearing as prescribed by law to consider said
20 application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
22 Guidelines thereto; this project has been found to be categorically exempt from CEQA per Class 1
23 "Existing Facilities," Article 19 Section 15301;

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

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

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

1 FINDINGS:

- 2 1. The proposed use is in accord with the objectives of the Zoning Ordinance and the
3 purposes of the Limited Industrial land use district. The applicant is asking use an
4 existing industrial facility for the usage of commercial and public recycling located at
5 395 Via Del Monte.
- 6 2. The conditions and the restriction of the Conditional Use Permit are consistent with the
7 General Plan, and the propose use will not cause the operation of the conditional use to be
8 detrimental to the welfare of persons or properties working, residing, or otherwise
9 existing in the adjacent neighborhood areas. As specified in the traffic analysis and noise
10 study, the generated traffic and noise from the proposed facility will be limited due to low
11 demands of loading that is required with the business and the limited hours-of-operation.
- 12 3. The conditional use is subject to and must comply with specific local conditions and
13 additional regulations as deemed necessary by other regulatory or permit authorities. The
14 approval does not relieve the applicant from an obligation to obtain any state or federal
15 permits for recycling facilities.

16 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
17 approve Conditional Use Permit C-35-07 subject to the following conditions:

18 Building:

- 19 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
20 Building Division plan check. (As of January 1, 2008 the 2007 California Building
21 Code, and 2007 California Electrical Code)
- 22 2. The granting of approval under this action shall in no way relieve the applicant/project
23 from compliance with all State and Local building codes.
- 24 3. Site development, parking, access into buildings and building interiors shall comply
25 with the State's Disabled Accessibility Regulations. (2007 California Building Code
26 (CBC), Chapter 11B)
- 27 4. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
28 plans.
- 29 5. Applicable Building Codes and Ordinances shall be based on the date of submittal for
Building Division plan check. (As of January 1, 2008 the 2007 California Building
Code, and 2007 California Electrical Code)

- 1 6. The granting of approval under this action shall in no way relieve the applicant/project
2 from compliance with all State and Local building codes.
- 3 7. Site development, parking, access into buildings and building interiors shall comply
4 with the State's Disabled Accessibility Regulations. (2007 California Building Code
5 (CBC), Chapter 11B)
- 6 8. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
7 plans.
- 8 9. The developer shall monitor, supervise and control all building construction and
9 supporting activities so as to prevent these activities from causing a public nuisance,
10 including, but not limited to, strict adherence to the following:
- 11 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
12 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
13 work that is not inherently noise-producing. Examples of work not permitted on
14 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
15 producing nature. No work shall be permitted on Sundays and Federal Holidays
16 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
17 Christmas Day) except as allowed for emergency work under the provisions of the
18 Oceanside City Code Chapter 38 (Noise Ordinance).
- 19 b) The construction site shall be kept reasonably free of construction debris as
20 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
21 approved solid waste containers shall be considered compliance with this
22 requirement. Small amounts of construction debris may be stored on-site in a
23 neat, safe manner for short periods of time pending disposal.

23 **Engineering:**

- 24 10. The project shall comply with all applicable regulations established by the United
25 States Environmental Protection Agency (USEPA) as set forth in the National
26 Pollutant Discharge Elimination System (NPDES) permit requirements for urban
27 runoff and stormwater discharge and any regulations adopted by the City pursuant to
28 the NPDES regulations or requirements. Further, the applicant is required to file a
29 Notice of Intent with the State Water Resources Control Board to obtain coverage
under the NPDES General Permit for Storm Water Discharges Associated with

1 Industrial Activity and may be required to implement a Storm Water Pollution
2 Prevention Plan (SWPPP) concurrent with the commencement of industrial activities.
3 SWPPPs include both construction and post construction pollution prevention and
4 pollution control measures and identify funding mechanisms for post construction
5 control measures. The developer shall comply with all the provisions of the Clean
6 Water Program during and after all phases of the development process, including but
7 not limited to: construction of street improvements, landscaping improvements,
8 building structures, and all regulated uses of the site. The applicant shall design the
9 Project's storm drains and other drainage facilities to include Best Management
10 Practices to minimize non-point source pollution, satisfactory to the City Engineer.

- 11 11. The project shall submit a striping plan for all proposed parking stalls and aisles to be
12 reviewed and approved by the City Engineer prior to issuance of building permits.
- 13 12. The gated entry at the proposed parking lot shall not obstruct vehicular access during
14 operating hours.
- 15 13. The project shall maintain proper sight distance at all loading bays to the satisfaction of
16 the City Engineer.
- 17 14. The project shall install a reflective delineator on the asphalt surface at the corner of
18 the concrete loading bay in the rear parking lot. The location of the reflective
19 delineator shall be shown on submitted striping plans for the parking lot layout and
20 reviewed and approved by the City Engineer prior to issuance of building permits.

21 **Fire:**

- 22 15. Buildings shall meet Oceanside Fire Department's current codes at the time of building
23 permit application.
- 24 16. A "Knox" key storage box shall be provided for all new construction. Buildings other
25 than high-rise a minimum of three complete sets of keys shall be provided. Keys shall
26 be provided for all exterior entry doors, fire protection equipment control rooms,
27 mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-
28 rise buildings six complete sets are required.
- 29 17. Fire extinguishers are required and shall be indicated on the plans submitted for plan
check.

- 1 18. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building
2 permit application.
- 3 19. In accordance with the California Fire Code, Section 901.1.4.4, approved addresses for
4 commercial, industrial, and residential occupancies shall be placed on the structure in
5 such a position as to be plainly visible and legible from the street or roadway fronting
6 the property. Numbers shall contrast with their background.
- 7 20. Commercial buildings and multi-family dwellings require six-inch address numbers.
- 8 21. Industrial buildings require 12-inch address numbers.
- 9 22. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
10 approval prior to the issuance of building permits. A site plan indicating the fire access
11 and hydrant locations shall also be submitted in electronic format.
- 12 23. Buildings shall meet current applicable codes at the time of building permit application.
- 13 24. Handling and storage of hazardous materials shall be identified by inventory submitted
14 to the Fire Prevention Division.

14 **Planning:**

- 15 25. This Conditional Use Permit (C-35-07) approves only the operation of a commercial
16 recycling facility defined as Ben's Recycling within an existing 14,000-square foot
17 building located on a 51,401-square foot parcel at 395 Via Del Monte Road, as shown on
18 the plans and exhibits presented to the Planning Commission for review and approval.
19 No deviation from these approved plans and exhibits shall occur without City Planner
20 approval.
- 21 26. Planning Commission Resolution No. 95-P43 is not replaced by this resolution for the
22 property at the location of 2929 San Luis Rey, this resolution's conditions shall prevail
23 for the subject property at 395 Via Del Monte.
- 24 27. Conditional Use Permit (C-35-07) shall lapse two years from the effective date of
25 approval unless a business license is approved.
- 26 28. In the event that this use permit is exercised in violation of a condition of approval or a
27 provision of the Zoning Ordinance, the use permit may be revoked, as provided in
28 Section 4706.
- 29 29. A request for changes in conditions of approval for C-35-07 or a change to the approved
plans that would affect a condition of approval shall be treated as a new application.

1 The City Planner may waive the requirements for a new application if the changes
2 requested are minor, do not involve substantial alterations or addition to the plan or the
3 conditions of approval, and are consistent with the intent of the project's approval or
4 otherwise found to be in substantial conformance.

5 30. Unless expressly waived, all current zoning standards and City ordinances and policies
6 in effect at the time a business license is approved are required to be met by this project.
7 The approval of this project constitutes the applicant's agreement with all statements in
8 the Description and Justification and other materials and information submitted with
9 this application, unless specifically waived by an adopted condition of approval.

10 31. This Conditional Use Permit shall be called for review by the Planning Commission if
11 complaints are filed and verified as valid by the Code Enforcement Office concerning
12 the violation of any of the approved conditions or does not conform with the
13 information contained in or representations made in the application, any supporting
14 material submitted to the City or during any hearing on the application.

15 32. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
16 harmless the City of Oceanside, its agents, officers or employees from any claim, action
17 or proceeding against the City, its agents, officers, or employees to attack, set aside,
18 void or annul an approval of the City, concerning Conditional Use Permit (C-35-07).
19 The City will promptly notify the applicant of any such claim, action or proceeding
20 against the City and will cooperate fully in the defense. If the City fails to promptly
21 notify the applicant of any such claim action or proceeding or fails to cooperate fully in
22 the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or
23 hold harmless the City.

24 33. Failure to meet any conditions of approval for this development shall constitute a
25 violation of the Conditional Use Permit.

26 34. A covenant or other recordable document approved by the City Attorney shall be
27 prepared by the applicant and recorded within 60 days from the date of project
28 approval. The covenant shall provide that the property is subject to this resolution, and
29 shall generally list the conditions of approval.

30 35. Operation of the business will be open Monday to Saturday from 9:00 a.m. until 5:00 p.m.
and will be closed all major holidays.

- 1 36. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
2 written copy of the applications, staff report and resolutions for the project to the new
3 owner and or operator. This notification's provision shall run with the life of the project
4 and shall be recorded as a covenant on the property.
- 5 37. The hours-of-operation shall be reviewed and may be limited by the Planning
6 Commission when valid issues or complaints pertaining to the hours-of-operation arise.

7 **Water Utilities:**

- 8 38. The developer will be responsible for developing all water and sewer utilities necessary to
9 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
10 the developer and shall be done by an approved licensed contractor at the developer's
11 expense.
- 12 39. The property owner shall maintain private water and wastewater utilities located on private
13 property.
- 14 40. Water services and sewer laterals constructed in existing right-of-way locations are to be
15 constructed by approved and licensed contractors at developer's expense.
- 16 41. All Water and Wastewater construction shall conform to the most recent edition of the
17 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
18 the Water Utilities Director
- 19 42. An Encroachment Agreement shall be executed with the City for the chain-link fence
20 along the Western side of the property in the public sewer main easement.
- 21 43. All public water and/or sewer facilities not located within the public right-of-way shall be
22 provided with easements sized according to the Water, Sewer, and Reclaimed Water
23 Design and Construction Manual. Easements shall be constructed for all weather access.
- 24 44. No trees, structures or building overhang shall be located within any water or wastewater
25 utility easement.
- 26 45. A separate irrigation meter and approved backflow prevention device is required and shall
27 be displayed on the plans.
- 28 46. The developer shall construct a public reclamation water system that will serve each lot
29 and or parcels that are located in the proposed project in accordance with the City of
Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located
in the public right-of-way or in a public utility easement.

1 47. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and
2 Construction Manual, shall be installed in each building sewer lateral and the location shall
3 be called out on the approved Improvement Plans.

4 48. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating to
5 garages and wash racks shall be installed in each building sewer in an appropriate location
6 and shall be maintained by the property owner. The location shall be called out on the
7 approved Improvement Plans.

8 49. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
9 be paid to the City and collected by the Water Utilities Department at the time of Building
10 Permit issuance.

PASSED AND ADOPTED Resolution No. 2008-P37 on June 9, 2008 by the following

11 vote, to wit:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

16 _____
17 Dennis Martinek, Chairman
18 Oceanside Planning Commission

19 ATTEST:

20 _____
21 Jerry Hittleman, Secretary

22 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
23 this is a true and correct copy of Resolution No. 2008-P37.
24

25 Dated: June 9, 2008
26
27
28
29

1 PLANNING COMMISSION
2 RESOLUTION NO. 95-P43

3 A RESOLUTION OF THE PLANNING COMMISSION OF
4 THE CITY OF OCEANSIDE, CALIFORNIA APPROVING
5 A CONDITIONAL USE PERMIT AND A VARIANCE ON
6 CERTAIN REAL PROPERTY IN THE CITY OF
7 OCEANSIDE

8 APPLICATION NO: C-23-95, V-7-95
9 APPLICANT: Byung K. Kwak
10 LOCATION: 2929 San Luis Rey Road

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

13 WHEREAS, there was filed with this Commission a verified
14 petition on the forms prescribed by the Commission requesting a
15 Conditional Use Permit and a Variance under the provisions of
16 Articles 30 and 41 of the Zoning Ordinance of the City of
17 Oceanside to permit the following:

18 the collection of recyclable materials within a 5,000
19 square foot building;

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

23 WHEREAS, the Planning Commission, after giving the required
24 notice, did on the 25th day of September 1995, conduct a duly
25 advertised public hearing as prescribed by law to consider said
26 application.

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

For the Conditional Use Permit:

1. The proposed location and the proposed operation of the recycling facility is in accordance with the zoning and land use objectives for the IL Zoning District.
2. As an indoor collection facility adjacent to a high-volume roadway, the proposed facility includes attenuations and is subject to buffering effects which are consistent with the effective General Plan land use policies for the Limited Industrial area. The attenuation and buffering effects will render the proposed use to be non-detrimental to the surrounding areas.

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3. The proposed use is in accordance with the specific requirements of the Zoning Ordinance pertaining to "large collection" recycling facilities. Additional conditions have been applied to effect additional measures of compatibility with the surrounding land uses.

For the Variance:

1. The proposed project is subject to special attenuation and buffering circumstances. The strict application of the separation requirements would constitute a deprivation of property use which is inconsistent the privileges enjoyed at the neighboring industrial use properties.
2. Granting the application will not be detrimental to properties or persons which occupy the surrounding area.
3. Granting the application in view of the project's attenuation and buffering circumstances is consistent with the purposes of the Zoning Ordinance and would not constitute a grant of special privilege which is inconsistent with the limitations on other properties in the area.

WHEREAS, the Planning Commission finds that the proposed communications facility is exempt from the requirements of environmental review pursuant to the provisions of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby APPROVE Conditional Use Permit C-23-95 and Variance V-7-95 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.A.C. Title 24, Part 2 (Handicapped Access - Nonresidential buildings - O.S.A.).

Engineering:

4. 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.

- 1 5. The developer shall pay traffic signal fees as required by
2 the City's Traffic Signal Fee Ordinance.
- 3 6. The developer shall pay thoroughfare fees as required by
4 the City's Thoroughfare Fee Ordinance.
- 5 7. Development shall be in accordance with City Floodplain
6 Management Regulations.

6 Fire:

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

9 Planning:

- 10 9. This Conditional Use Permit is granted for the following
11 use only: a 5,000 square foot recyclable materials
12 collection facility which is operated as an indoor
13 collection facility. Any change in the use or any change
14 in the site layout will require a revision to the
15 Conditional Use Permit or a new Conditional Use Permit.
- 16 10. This Conditional Use Permit is subject to review by the
17 Planning Commission from the date of commencement of
18 operations to determine the project's compatibility with
19 surrounding land uses. The Commission may add new
20 conditions and/or delete and/or modify existing conditions
21 as it deems necessary to protect the general health, safety
22 and welfare of residents in the area or surrounding land
23 uses.
- 24 11. This Conditional Use Permit shall be called for review by
25 the Planning Commission if complaints are filed and
26 verified as valid by the Code Enforcement Office concerning
27 the violation of any of the approved conditions or
28 assumptions made by the application.
12. This Conditional Use Permit shall expire on September 25,
1997, unless implemented as required by the Zoning
Ordinance.
13. Floor plans and site 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.
14. If applicable, Park fees shall be paid as required by City
policy at the time building permits are issued.

- 1 15. A letter of clearance from the affected school district in
2 which the property is located shall be provided as required
3 by City policy at the time building permits are issued.
- 4 16. If applicable, a public facilities fee shall be paid as
5 required by City policy at the time building permits are
6 issued.
- 7 17. The applicant shall be responsible for trash abatement on
8 the site, and shall keep the site free of litter, trash and
9 other nuisances.
- 10 18. All project signs shall be approved by the Planning
11 Director prior to installation.
- 12 19. Prior to the transfer of ownership and/or operation of the
13 site the owner shall provide a written copy of the
14 applications, staff report and resolutions for the project
15 to the new owner and or operator. This notification's
16 provision shall run with the life of the project.
- 17 20. Unless expressly waived, all current zoning standards and
18 City ordinances and policies in effect at the time building
19 permits are issued (or occupancy begins, whichever is
20 first) are required to be met by this project. The
21 approval of this project constitutes the applicant's
22 agreement with all statements in the Description and
23 Justification, Management Plan and other materials and
24 information submitted with this application, unless
25 specifically waived by an adopted condition of approval.
- 26 21. The hours of operation are limited to 7:00 a.m. to 7:00
27 p.m. Monday through Saturday.
- 28 22. No outdoor storage is permitted.
- 23 23. The use of mechanical or motorized equipment is limited to
24 the inside of the building only. Such equipment shall not
25 exceed a noise level of 60 decibels as measured at the
26 property line of properties located in the neighboring
27 residential zoning district.
- 28 24. This approval does not grant a "secondhand" sales or
collection outlet. Material collection shall be limited to
"recyclable materials" only, as defined in the Zoning
Ordinance, with the exception that denim-type jeans may be
collected.
- 25 25. The parking lot shall be striped to direct vehicles into
26 the building from the rear and in a counter-clockwise
27 movement. Six parking spaces shall be striped at the rear
28 of the building. The striping improvements shall be
substantially the same as those which are shown on the

1 29. This project is subject to the development restrictions
2 identified in the City's Water Conservation Ordinance No.
3 91-15.

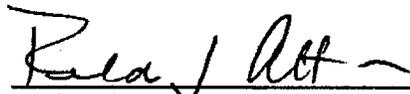
4 PASSED and ADOPTED on September 25, 1995 by the following
5 vote, to wit:

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

7 NAYES: None

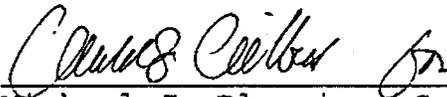
8 ABSENT Bockman

9 ABSTAIN: None

10 

Reinaldo V. Altamirano, Chairman

11 ATTEST:

12 

13 Michael J. Blessing, Secretary

14 I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning
15 Commission, hereby certify that this is a true and correct copy
16 of Resolution No. 95-P43.

17 Dated: 9-25-95

MICHAEL J. BLESSING, Secretary
OCEANSIDE PLANNING COMMISSION

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January 4, 2008

RECEIVED

FEB 20 2008

Planning Department

Mr. Ben Kwak
KWAK CORPORATION
2929 San Luis Rey Road
Oceanside, CA 92058

SUBJECT: BEN'S RECYCLING CUP NOISE STUDY

Dear Mr. Kwak

The firm of Urban Crossroads, Inc. is pleased to submit the following noise impact analysis for the proposed Ben's Recycling CUP.

PROJECT LOCATION/DESCRIPTION

The proposed project is located at 395 Via Del Monte in the City of Oceanside. The applicant proposes to utilize the interior an existing 14,000 square foot building for the recycling center operations. Potential noise impacts may occur during the dumping of crates of collected glass into large metal bins located outside of the facility. All other operations associated with the recycling center will be performed indoors and no impacts are anticipated. The proposed project site configuration is provided in Appendix A. Hours of operation will be from 9:00 A.M. to 5:00 P.M. Monday thru Saturday, excluding holidays.

CITY OF OCEANSIDE OPERATIONAL NOISE STANDARDS

Fixed sources and operational noise standards are governed by the City of Oceanside Noise Ordinance Section 38.12. The required sound levels at a project's property

boundary depend on the time of day and the land use zone. The proposed Ben's Recycling CUP project site in addition to all adjacent land uses are zoned industrial (I), which allows an equivalent one-hour sound level of 70 dBA Leq-h between 7 A.M. and 9:59 P.M. and 65 dBA from 10 P.M. to 6:59 A.M. at the property lines. The existing residential uses located over 700 feet from the project site allow an equivalent one-hour sound level of 50 dBA Leq-h between 7 A.M. and 9:59 P.M. and 45 dBA from 10 P.M. to 6:59 A.M. at the property lines. It should be noted: the hours of operation are proposed for 9 A.M. to 5 P.M. Monday through Saturday and therefore the applicable property line standards would be 70 dBA Leq-h at the project property lines and 50 dBA Leq-h at the residential property lines. The relevant section of the City of Oceanside Noise Ordinance is shown in Appendix "B".

PROJECT NOISE IMPACT PROCEDURES

In order to examine the potential stationary noise source impacts associated with the operation of the proposed Ben's Recycling CUP, sound level measurements of the existing Ben's Recycling CUP were taken. The existing center is located at 2929 San Luis Rey Road in Oceanside, approximately 2 blocks from the proposed site. The short-term noise measurements were taken at a distance of 25 feet from the location of the glass dumping. The measurements were also taken at a higher elevation than the metal bins in order to obtain a worse-case unmitigated noise level.

The noise measurements were taken using a Larson-Davis Model LXT Type 1 precision sound level meter, programmed, in "slow" mode, to record noise levels in "A" weighted form. The sound level meter and microphone were mounted on a tripod, approximately 5 feet above the elevated ground and equipped with a windscreen during all measurements.

The sound level meter was calibrated before and after the monitoring using a Larson-Davis calibrator, Model CAL 200. Study area photos are shown in Appendix "C". Results of the existing facilities glass dumping are shown in Table 1. The noise monitoring data printouts for the glass dumping operations are provided in Appendix "D."

For the proposed recycling center the results of the existing monitoring data were utilized. Calculations were completed which accounted for the amount of time the glass dumping will occur. Based on the existing noise level measurements, the duration of time it takes to dump each container of glass ranges from 30 to 60 seconds. In order to provide a worse-case analysis, the 60 second duration was utilized. To calculate an adjusted noise level which accounts for the total run time of the noise source per hour, the following equation was used:

$$Leq = 10 \log [(T/T_o) * 10^{(MSL/10)}]$$

Where,

MSL = Measured Sound Level of short time event

T is the time interval of the event per reference time duration

T_o is the reference time duration (typically 3600 seconds)

ANALYSIS PROCEDURES AND FINDINGS

According to the project client, the dumping of glass occurs approximately 5 times per day. Accounting for variations in this operation, a worse-case value of 2 glass dumps per hour was utilized for this analysis, each running for a worse case 60 second duration as shown in Table 2. An adjusted noise level for the dumping of glass was calculated to be 70.9

dBA at a distance of 25 feet. The noise level reductions are shown in Table 3. The location of the proposed glass dumping operations is approximately 30 feet from the interior of the building to the nearest property line. Therefore, the project would meet the daytime industrial use property line standard of 70 dBA Leq.

Using these adjusted hourly results, it is possible to project noise levels to the residential property boundary from the proposed recycling center using a rate of drop-off of 6 dBA per doubling of distance. The nearest residential land use is located over 700 feet from the proposed project across Mission Road to the south. The results of these propagated noise level is 42.0 dBA Leq, as shown in Table 4. The unmitigated noise levels from the dumping of glass were found to also meet the City's residential daytime threshold of 50 dBA at the nearest residential property boundary.

It should be noted, the client will be improving the building interior to buffer any noise generated from business operations. These improvements include:

- A 14-foot building with insulation on the ceiling and foam lining on the walls in order to reduce interior noise and amplification inside the building.
- A tarp covering the majority of the surface area on any bin through a series of filters, and sound suppressing materials. It may include but not be limited to: 4 inches of foam along with fiberglass sheets and resins. These materials will act as a tarp over the bins, and only a minimal area will be left open to empty the materials in to the bins.

Mr. Ben Kwak
KWAK CORPORATION
January 4, 2008
Page 5

No impacts are anticipated and no mitigation is required for the proposed project site operations. If you have any questions, please contact me directly at (760) 931-0664.

Respectfully submitted,

URBAN CROSSROADS, INC.

A handwritten signature in black ink, appearing to read 'JL', is positioned above the typed name of the sender.

Jeremy Loudon
Associate Principal

BL:JL:AS:dl
JN: 05611-03

Attachments

TABLE 1

REFERENCE NOISE LEVEL MEASUREMENTS

NOISE SOURCE	MEASUREMENT DATE	DURATION (SECONDS)	DISTANCE FROM NOISE SOURCE (FEET)	NOISE LEVELS ¹ (Leq dBA)
GLASS DUMP	02-Jan-08	30	25.0	90.3

¹ As measured by Urban Crossroads on 1/02/08.

TABLE 2

RUN TIME OF NOISE SOURCES

NOISE SOURCE	MEASUREMENT DATE	DISTANCE FROM NOISE SOURCE (FEET)	TRIPS PER HOUR	TIME PER TRIP (SEC) ¹	RUN TIME PER HOUR (SEC)
GLASS DUMP	02-Jan-08	25.0	2	60.0	120

¹ As measured by Urban Crossroads on 1/02/08.

TABLE 3

ADJUSTED NOISE LEVELS

NOISE SOURCE	MEASURED NOISE LEVEL ¹	RUN TIME PER HOUR (SEC)	DECIBEL REDUCTION (dBA)	ADJUSTED Leq (dBA)
GLASS DUMP	90.3	120	-19.4	70.9

¹ As measured by Urban Crossroads on 1/02/08.

TABLE 4

PROJECTED UNMITIGATED NOISE LEVELS AT THE RESIDENTIAL PROPERTY LINE

NOISE SOURCE	ADJUSTED Leq @ 25 FEET (dBA)	SOURCE TO RESIDENTIAL PROPERTY LINE DISTANCE (FT)	DECIBEL REDUCTION (dBA)	PROJECTED Leq @ RESIDENTIAL PROPERTY LINE (dBA) ¹
GLASS DUMP	70.9	700.0	-28.9	42.0

¹6dBA drop off per doubling of distance at the residential property line

APPENDIX A

PROPOSED PROJECT SITE CONFIGURATION

APPENDIX B

CITY OF OCEANSIDE NOISE ORDINANCE

ARTICLE III. SOUND LEVEL LIMITS

Sec. 38.11. Sound level measurement.

The city shall establish appropriate standards and procedures to ensure the accuracy of sound level measurements. Any such measurements shall be made consistent with these standards and procedures.

(Ord. No. 90-21, § 2, 5-23-90)

Sec. 38.12. General sound level limits.

(a) Except for exempted activities and sounds as provided in this chapter or exempted properties as referenced in section 38.15, it shall be unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property in the applicable base district zone on which the sound is produced exceeds the applicable limits set forth below:

Sound Level Limits (Decibels)

TABLE INSET:

Base District Zone	7:00 a.m. to 9:59 p.m.	10:00 p.m. to 6:59 a.m.
(1) Residential Districts:		
RE (Residential Estate)	50	45
RS (Single-Family)	50	45
RM (Medium Density)	50	45
RH (High Density)	55	50
RT (Residential Tourist)	55	50
(2) C (Commercial)	65	60
(3) I (Industrial)	70	65
(4) D (Downtown)	65	55
(5) A (Agricultural)	50	45
(6) OS (Open Space)	50	45

(b) Limits for planned developments. In addition to the sound level limits established above, there is hereby established sound level limits for PD (planned development) base district zones.

For any residential land use within a PD zone, the sound level limit is that limit which would be otherwise applicable in the residential district zone (RE, RS, RM, RH or RT) corresponding to density of the residential development in that PD zone.

For any nonresidential land use within a PD zone, the sound level limit is that limit corresponding to the C (commercial) or I (industrial) zone which would be applicable to that use if not subject to the PD zone. For the purposes of this section, a land use shall be that use shown on a duly approved planned development plan or specific plan.

(c) Limits for joint boundaries. When property lines form the joint boundary of two (2) base district zones, the sound level limit shall be the arithmetic mean of the limit applicable to each of

the two (2) zones.

(Ord. No. 90-21, § 2, 5-23-90)

Sec. 38.13. Noncompliance with sound level limits; extensions; variations.

If the noise resulting from any activity, event, or enterprise in any nonresidential base district zone shall exceed the applicable area sound level limit prescribed in section 38.12 on three (3) or more days during any thirty-day period, the code enforcement division shall serve a notice of noncompliance on the owner of the property which produces the noise. Service shall be in the manner prescribed by section 38.27. Such notice shall indicate the applicable sound level limit for the area, identify when and where excessive sound level measurements were taken, and report the sound level measured during each such measurement.

Within thirty (30) days of service of the notice of noncompliance, the owner of the property shall do one of the following:

- (1) Reduce the level of noise produced on the property so as to conform to the applicable sound level limit referenced in the notice;
- (2) Deliver a written application to the code enforcement division for an extension of time in which to bring the noise into conformance with the referenced sound level limit; such extension may be granted for a period not to exceed thirty (30) days; or
- (3) Deliver to the code enforcement division a written objection to any or all of the findings indicated, identified, or reported in the notice; the code enforcement division shall rule on the validity of such objections within fifteen (15) days of such delivery and, if found to be invalid, shall order the owner to comply with the applicable sound level limit; or
- (4) Apply for a variation from the sound level limit otherwise applicable. The city council shall hear applications for a variation during a duly noticed public hearing. The notice requirements shall be the same as these required by the Oceanside Zoning Ordinance in connection with an application for use permit or variance.

(Ord. No. 90-21, § 2, 5-23-90)

Sec. 38.14. Required findings for the granting of a variation.

The city council shall approve the application for a variation on the basis of the application, materials, and testimonies submitted to it if it finds that the health and welfare benefits of reducing the noise so as to conform with the applicable sound level limit are clearly outweighed by the burden on the applicant and the community in ameliorating, reducing, or modifying the noise so as to conform with the limit.

In ruling on the application for the variation, the city council shall consider the following:

- (1) The characteristics and conditions in section 38.16;
- (2) The nature and zoning of the area within which the noise emanates;
- (3) The density of inhabitation of the area in which the noise emanates;
- (4) The economic impact on the applicant of bringing the subject property into conformance with the sound level limit; and
- (5) The impact of the proposed variation on the health, safety, and welfare on persons exposed to sound levels thereby permitted.

(Ord. No. 90-21, § 2, 5-23-90)

Sec. 38.15. Exemptions for construction, maintenance or other public improvement activities by government agencies or public utilities.

Notwithstanding anything in this chapter to the contrary, the city manager, or the manager's designee, on a case-by-case basis, may authorize construction, maintenance or other public improvement activities by a government agency or a public utility, that exceed the noise, duration or hour of work limits established by this chapter, upon a determination that the authorization furthers the public interest.

(Ord. No. 97-15, § 1, 9-3-97)

APPENDIX C

STUDY AREA PHOTOS

Study Area Photos



APPENDIX D

NOISE MONITORING DATA

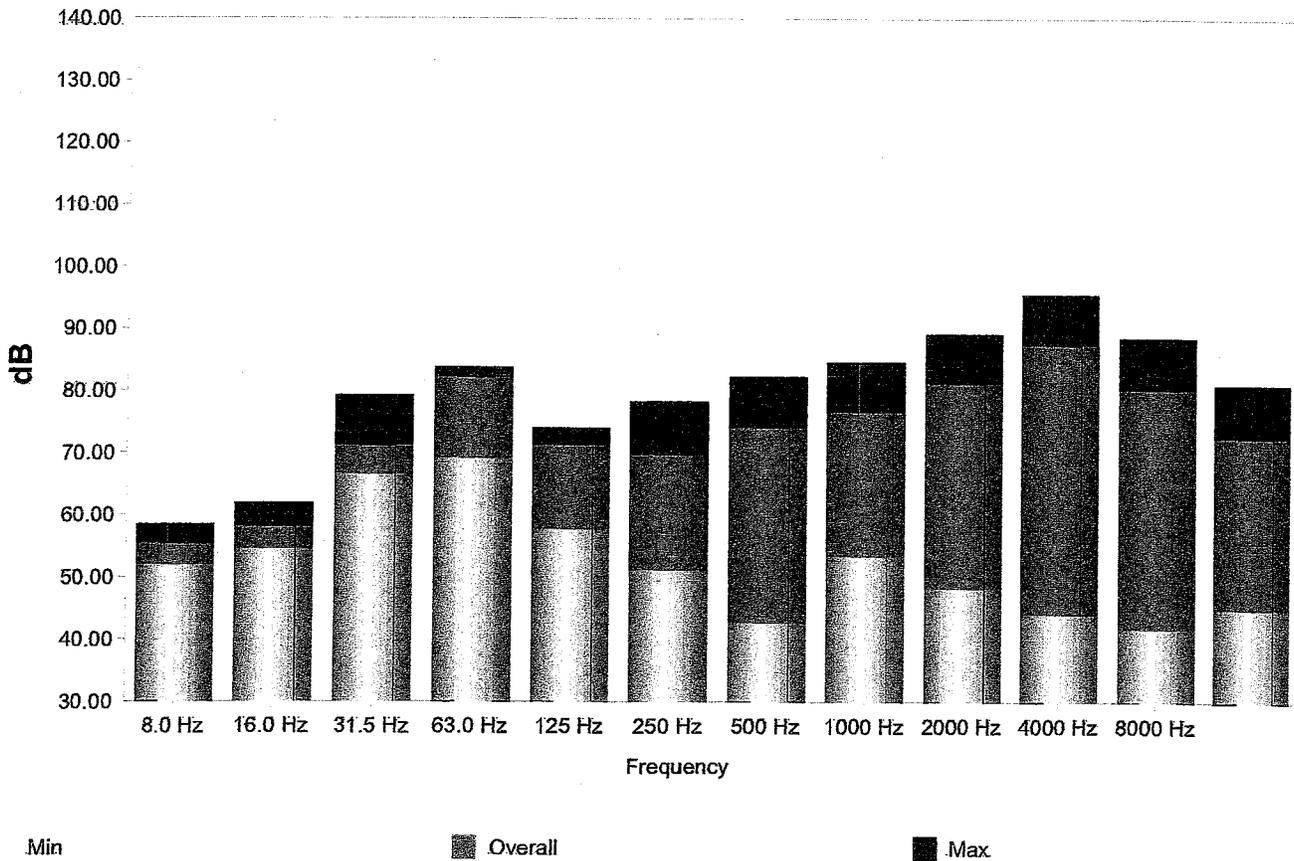
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Model Number:	LxT1	Stop:	2008 Jan 02 10:56:37
RMS Weighting:	A Weighting	Run Time:	00:00:29
Peak Weighting::	Z Weighting	Pre Calibration:	2008 Jan 02 10:31:02
Detector:	Slow	Post Calibration:	None
Preamp:	PRMLXT1	Deviation:	—
Integration Method:	Exponential	OBA Range:	Normal
		OBA Bandwidth:	1/1 and 1/3

Leq:	90.3 dBA	L5.0:	97.9 dBA
Lmax: @ 10:56:20	98.3 dBA	L10.0:	96.3 dBA
Lpeak (max): @ 10:56:20	110.7 dB	L33.3:	87.5 dBA
Min: @ 10:56:09	55.9 dBA	L50.0:	75.4 dBA
Event Counts (SPL Trigger 85.0 dB):	1	L66.6:	67.3 dBA
Event Counts (SPL Trigger 115.0 dB):	0	L95.0:	59.9 dBA
Event Counts (Lpeak Trigger 135.0 dB):	0		

Dose:	0.1	0.1 %	Lep (8):	60.4 dBA
Projected Dose:	56.2	67.2 %	LE:	105.0 dBA
Projected TWA:	85.8	87.1 dBA	SE:	3.5 mPa ² hr
TWA (8):	36.2	37.5 dBA	SE(8):	3.4 Pa ² hr
Name:	OSHA-1	OSHA-2	SE(40):	17.1 Pa ² hr
Exchange Rate:	5	5		
Threshold:	90	80 dBA		
Criterion Level:	90.0	90.0 dBA		
Criterion Duration:	8.0	8.0 hours		

Note:
 Brown Glass Dump
 25 feet from source

1/1 Octave

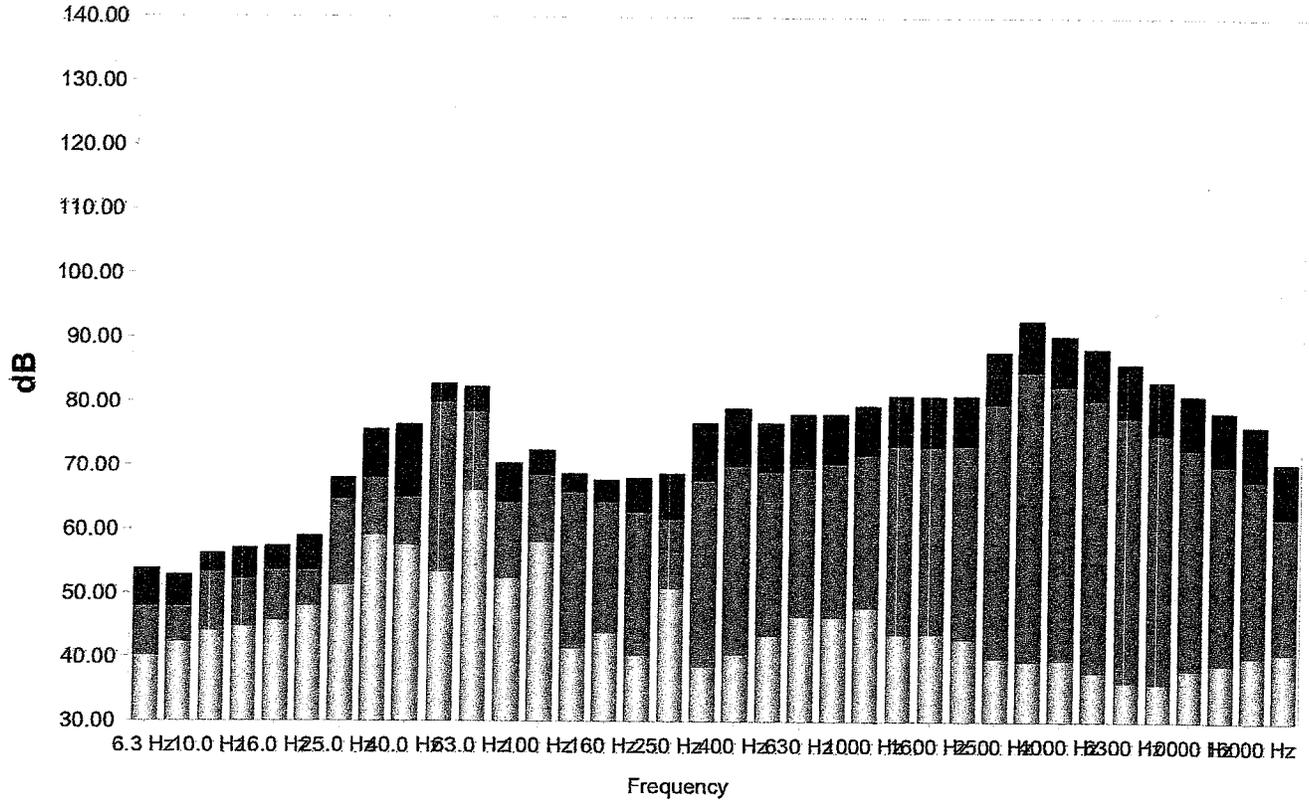


File Name:
 User:
 Location:
 Job Description:

02 January 2008 11:01:20
 LxT_Data.018
 A. Stalker
 Ben's Recycling Center
 5611

Serial Number:	01146	Start:	2008 Jan 02 10:56:08
Model Number:	LxT1	Stop:	2008 Jan 02 10:56:37
RMS Weighting:	A Weighting	Run Time:	00:00:29
Peak Weighting::	Z Weighting	Pre Calibration:	2008 Jan 02 10:31:02
Detector:	Slow	Post Calibration:	None
Preamp:	PRMLXT1	Deviation:	—
Integration Method:	Exponential	OBA Range:	Normal
		OBA Bandwidth:	1/1 and 1/3

1/3 Octave



Min

Overall

Max

TABLE 6: PROJECT TRAFFIC GENERATION

Proposed Land Use	Rate	Size & Units	ADT	%	Split	AM			PM					
						IN	OUT	%	Split	IN	OUT			
Recycling Center based on avg of 151 clients per day (+5 employees)	na	na	na	312	na	na	na	18	18	na	na	na	27	27
Credit for Existing RV Business (Industrial Park (no commercial))	8	/KSF -14,000 SF	-112	11%	0.9	0.1	-11	-1	12%	0.2	0.8	-3	-11	
Net Traffic Change			200				7	17				24	16	

Source: SANDAG *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, April 2002. KSF - Thousand Square Feet; SF - Square Feet; ADT-Average Daily Traffic rounded to nearest 10 for total; Split-percent inbound and outbound.
na: not applicable, as data is calculated from site specific client receipts

4.2 Project Access

Project access will be provided via an existing driveway on Via Del Monte.

4.3 Project On-Site Parking

The proposed project will have 9 employee parking spots and 24 customer parking spots for a total of 33 on-site parking spaces. Ben's Recycling has 5 employees. Thus, there is a sufficient supply of employee parking spots. An analysis of the customer data for an average day indicated that maximum number of customer transactions during any 10 minute window was 7 and during any 5 minute window was 5. Thus, with a customer parking supply of 24 spaces, the historical demand of 7 spaces during any 10 minute window is approximately 3.5 times less than the provided parking. Thus, there is a sufficient supply of customer parking spots. Historical client data is included in Appendix D.

4.4 Project Distribution and Assignment

Project trips were distributed to the adjacent roadway network based on input from Ben's Recycling's business owner. The distribution reflects that a majority of clients arrive and depart in the direction of Airport Road. This information is based on the business owner's discussions with clients and observations of the client arrival and departure patterns.

A conservative approach of distributing and assigning all of the trips onto the same intersection was used in this analysis. In reality, a small number of trips may approach the project site from other directions.

The existing trips to the old project location were removed and the new project location trips incorporating the credit were distributed and assigned.

The project distribution is shown in **Figure 5** and the assignment of the project volumes is shown in **Figure 6**.

4.5 Project On-Site Circulation

The existing operation at 2929 San Luis Rey Road has a full time employee that directs vehicles based on the type of recyclable material. The proposed operation will also have a full time employee that will be responsible for directing vehicles to parking spaces based on the type and amount of recyclable material to facilitate a rapid turnover (i.e. a heavily loaded vehicle will be instructed to park closer to the unloading area). The applicant will instruct the employee to optimize traffic flow during busy periods to a one-way pattern as shown in **Figure 6**. The employee will also assist in directing attention to customers of any sharp corners or difficult maneuvering areas.



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Quality
1001 I Street • Sacramento, California 95814 • (916) 341-5538
Mailing Address: P.O. Box 1977 • Sacramento, California • 95812-1977
FAX (916) 341-5543 • Internet Address: <http://www.waterboards.ca.gov/stormwtr/index.html>

Arnold Schwarzenegger
Governor

RECEIVED

FEB 20 2008

Planning Department

To: STORM WATER DISCHARGER

SUBJECT: CHECKLIST FOR SUBMITTING A NOTICE OF INTENT

In order for the State Water Resources Control Board to expeditiously process your Notice of Intent (NOI), the following items must be submitted to either of the addresses indicated below:

1. NOI (please keep a copy for your files) with all applicable sections completed and original signature of the facility operator;
2. Check made out to the "State Water Resources Control Board" with the appropriate fee. The regular fee is \$830.00 (\$700 plus 18.5% surcharge).
3. Site Map of the facility (see NOI instructions). DO NOT SEND BLUEPRINTS

U.S. Postal Service Address

State Water Resources Control Board
Division of Water Quality
Attn: Storm Water Section
P.O. Box 1977
Sacramento, CA 95812-1977

Overnight Mailing Address

State Water Resources Control Board
Division Of Water Quality
Attn: Storm Water, 15th Floor
1001 I Street
Sacramento, CA 95814

NOIs are processed in the order they are received. A NOI receipt letter will be mailed to the facility operator within approximately two weeks. Incomplete NOI submittals will be returned to the facility operator within the same timeframe and will specify the reason(s) for return. If you need a receipt letter by a specific date (for example, to provide to a local agency), we advise that you submit your NOI thirty (30) days prior to the date the receipt letter is needed.

Please do not call us to verify your NOI status. A copy of your NOI receipt letter will be available on our web page within twenty-four (24) hours of processing. Go to: <http://www.waterboards.ca.gov/stormwtr/databases.html> to retrieve an electronic copy of your NOI receipt letter. If you have any questions regarding this matter, please contact us at (916) 341-5538.

SECTION IV. ADDRESS FOR CORRESPONDENCE

Facility Operator Mailing Address (Section II) Facility Mailing Address (Section III, B.) Both

SECTION V. BILLING ADDRESS INFORMATION

SEND BILL TO: Facility Operator Mailing Address (Section II) Facility Mailing Address (Section III, B.) Other (enter information below)

Name: KWAK CORPORATION Phone: 310-405-2061

Mailing Address: 2929 SAN LUIS REY ROAD

City: OCEANSIDE State: CA Zip Code: 92015-1121

Contact Person: BENJAMIN KWAK

SECTION VI. RECEIVING WATER INFORMATION

Your facility's storm water discharges flow: (check one) Directly OR Indirectly to waters of the United States.

Name of receiving water: SAN LUIS REY RIVER
(river, lake, stream, ocean, etc.)

SECTION VII. IMPLEMENTATION OF PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)
 A SWPPP has been prepared for this facility and is available for review.
 A SWPPP will be prepared and ready for review by (enter date): 2/29/08

B. MONITORING PROGRAM (check one)
 A Monitoring Program has been prepared for this facility and is available for review.
 A Monitoring Program will be prepared and ready for review by (enter date): 09/01/08

C. PERMIT COMPLIANCE RESPONSIBILITY
 Has a person been assigned responsibility for:

1. Inspecting the facility throughout the year to identify any potential pollution problems?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. Collecting storm water samples and having them analyzed?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
3. Preparing and submitting an annual report by July 1 of each year?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
4. Eliminating discharges other than storm water (such as equipment or vehicle wash-water) into the storm drain?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

SECTION VIII. SITE MAP

I HAVE ENCLOSED A SITE MAP YES A new NOI submitted without a site map will be rejected.

SECTION IX. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that I have read the entire General Permit, including all attachments, and agree to comply with and be bound by all of the provisions, requirements, and prohibitions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."

Printed Name: BENJAMIN KWAK

Signature: Byung Kwon Kwak Date: 2-15-08

Title: PRESIDENT

A security enhanced document. See back for details.

**KWAK CORPORATION
BEN RECYCLING & SCRAP METAL**

9550

(760) 967-0575
2929 SAN LUIS REY RD. NO. B
OCEANSIDE, CA 92054

DATE 2-15-08

16-66/1

PAY TO THE ORDER OF STATE WATER RESOURCES CONTROL BOARD \$ 830

EIGHT HUNDRED THIRTY DOLLARS DOLLARS

Bank of America

San Luis Rey Valley
3756 Mission Ave
Oceanside CA
760)630.3220



FOR _____

⑈009550⑈ ⑆⑆2200066⑆⑆ ⑆⑆750⑈⑈42302⑈

GUARDIAN © SAFETY © Charles American AM

NOTICE OF INTENT (NOI) INSTRUCTIONS

TO COMPLY WITH STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER NO. 97-03-DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000001

Who Must Submit

The facility operator must submit an NOI for each industrial facility that is required by U.S. Environmental Protection Agency (U.S.EPA) regulations to obtain a storm water permit. The required industrial facilities are listed in Attachment 1 of the General Permit and are also listed in 40 Code of Federal Regulations Section 122.26(b) (14).

The facility operator is typically the owner of the business or operation where the industrial activities requiring a storm water permit occur. The facility operator is responsible for all permit related activities at the facility.

Where operations have discontinued and significant materials remain on site (such as at closed landfills), the landowner may be responsible for filing an NOI and complying with this General Permit. Landowners may also file an NOI for a facility if the landowner, rather than the facility operator, is responsible for compliance with this General Permit.

How and Where to Apply

The completed NOI form, a site map, and appropriate fee must be mailed to the State Water Resources Control Board (State Water Board) at the following address:

State Water Resources Control Board
Division of Water Quality
P.O. Box 1977
Sacramento, CA 95812-1977
Attn: Storm Water Permitting Unit

Please Note: Do not send the original or copies of the NOI submittal to the Regional Water Quality Control Board (Regional Water Board). The original NOI will be forwarded to the Regional Water Board after processing.

Do not send a copy of your Storm Water Pollution Prevention Plan (SWPPP) with your NOI submittal. Your SWPPP is to be kept on site and made available for review upon request.

When to Apply

Facility operators of existing facilities must file an NOI in accordance with these instructions by March 30, 1992. Facility

operators of new facilities (those beginning operations after March 30, 1992) must file an NOI in accordance with these instructions at least 14 days prior to the beginning of operations.

Once the completed NOI, site map, and appropriate fee have been submitted to the State Water Board, your NOI will be processed and you will be issued a receipt letter with a Waste Discharge Identification (WDID) Number. Please refer to this number when you contact either the State or Regional Water Boards.

Fees

The total annual fee is \$830. Checks should be made payable to: SWRCB

Change of Information

If the information provided on the NOI or site map changes, you should report the changes to the State Water Board using an NOI form. Section I of the line-by-line instructions includes information regarding changes to the NOI.

Questions

If you have any questions completing the NOI, please call the appropriate Regional Water Board (Attachment 2) or the State Water Board at (916) 341-5538.

NOI LINE-BY-LINE INSTRUCTIONS

Please type or print your responses on the NOI. Please complete the NOI form in its entirety and sign the certification.

Section I--NOI STATUS

Check box "A" if this is a new NOI registration.

Check box "B" if you are reporting changes to the NOI (e.g., new contact person, phone number, mailing address). Include the facility WDID #. Highlight all the information that has been changed.

Please note that a change of information **does not** apply to a change of facility operator or a change in the location of the facility. These changes require a Notice of Termination (NOT) and submittal of a new NOI and annual fee. Contact the State Water Board or Regional Water Boards for more information on the NOT Form and instructions.

Regardless of whether you are submitting a new or revised NOI, you must complete the NOI in its entirety and the NOI must be signed.

Section II--Facility Operator Information

Part A: The facility operator is the legal entity that is responsible for all permit related compliance activities at the facility. In most cases, the facility operator is the owner of the business or operation where the industrial activity occurs. Give the legal name and the address of the person, firm, public organization, or any other entity that is responsible for complying with the General Permit.

Part B: Check the box that indicates the type of operation.

Section III--Facility Site Information

Part A: Enter the facility's official or legal name and provide the address. Facilities that do not have a street address must provide cross-streets or parcel numbers. Do not include a P.O. Box address in Part A.

Part B: Enter the mailing address of the facility if different than Part A. This address may be a P.O. Box.

The contact person should be the plant or site manager who is familiar with the facility and responsible for overseeing compliance of the General Permit requirements.

Part C: Enter the total size of the facility in either acres or square feet. Also include the percentage of the site that is impervious (areas that water cannot soak into the ground, such as concrete, asphalt, and rooftops).

Part D: Determine the Standard Industrial Classification (SIC) code which best identifies the industrial activity that is taking place at the facility. This information can be obtained by referring to the Standard Industrial Classification Manual prepared by the Federal Office of Management and Budget which is available at public libraries. The code you determine should identify the industrial activity that requires you to submit the NOI. (For example, if the business is high school education and the activity is school bus maintenance, the code you choose would be bus maintenance, not education.) Most facilities have only one code; however, additional spaces are provided for those facilities that have more than one activity.

Part E: Identify the title of the industrial activity that requires you to submit the NOI (e.g., the title of SIC Code 2421 is Sawmills and Planing Mills, General). If you cannot identify the title, provide a description of the regulated activity(s).

Section IV--Address for Correspondence

Correspondence relative to the permit will be mailed occasionally.

Check the box which indicates where you would like such correspondence delivered. If you want correspondence sent to another contact person or address different than indicated in Section II or Section III then include the information on an extra sheet of paper.

Section V--Billing Address Information

To continue coverage under the General Permit, the annual fee must be paid. Use this section to indicate where the annual fee invoices should be mailed. Enter the billing address if different than the address given in Sections II or III.

Section VI--Receiving Water Information

Provide the name of the receiving water where storm water discharge flows from your facility. A description of each option is included below.

1. Directly to waters of the United States: Storm water discharges directly from the facility to a river, creek, lake, ocean, etc. Enter the name of the receiving water (e.g., Boulder Creek).
2. Indirectly to waters of the United States: Storm water discharges over adjacent properties or right-of-ways prior to discharging to waters of the United States. Enter the name of the closest receiving water (e.g., Clear Creek).

Section VII--Implementation of Permit Requirements

Parts A and B: Check the boxes that best describe the status of the Storm Water Pollution Prevention Plan (SWPPP) and the Monitoring Program.

Part C: Check yes or no to questions 1 through 4. If you answer no to any question, you need to assign a person to these tasks immediately.

As a permit holder you are required to have an SWPPP and Monitoring Program in place prior to the beginning of facility operations. Failure to do so is in direct violation of the General Permit. Do not send a copy of your SWPPP with your NOI submittal.

Please refer to Sections A and B of the General Permit for additional information regarding the SWPPP and Monitoring Program.

Section VIII--Site Map

Provide a "to scale" drawing of the facility and its immediate surroundings. Include as much detail about the site as possible. At a minimum, indicate buildings, material handling and storage areas, roads, names of adjacent streets, storm water discharge points, sample collection points, and a north arrow. Whenever

possible limit the map to a standard size sheet of paper (8.5" x 11" or 11" x 17"). Do not send blueprints unless you are sending one page and it meets the size limits as defined above.

A location map may also be included, especially in cases where the facility is difficult to find, but are not to be submitted as a substitute for the site map. The location map can be created from local street maps and U.S. Geological Survey (USGS) quadrangle maps, etc.

A revised site map must be submitted whenever there is a significant change in the facility layout (e.g., new building, change in storage locations, boundary change, etc.).

Section IX--Certification

This section should be read by the facility operator. The certification provides assurances that the NOI and site map were completed by the facility operator in an accurate and complete fashion and with the knowledge that penalties exist for providing false information. It also requires the Responsible Party to certify that the provisions in the General Permit will be complied with.

The NOI must be signed by:

For a Corporation: a responsible corporate officer (or authorized individual).

For a Partnership or Sole Proprietorship: a general partner or the proprietor, respectively.

For a Municipality, State, or other non-Federal Public Agency: either a principal executive officer or ranking elected official.

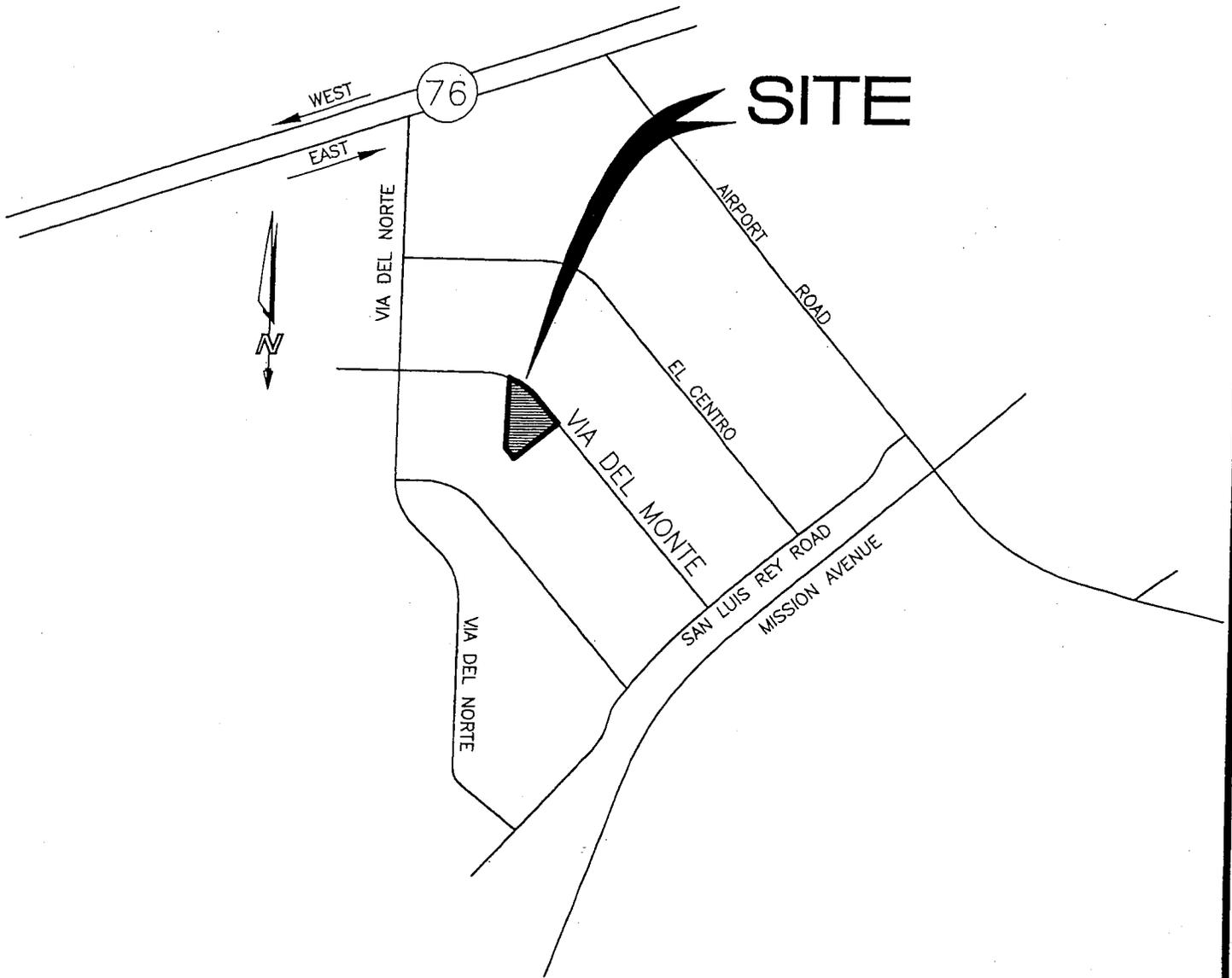
For a Federal Agency: either the chief or senior executive officer of the agency.

<u>Subsector</u>	<u>SIC</u>	<u>Activity Represented</u>	<u>Parameters</u>
SECTOR K. HAZARDOUS WASTE TREATMENT STORAGE OR DISPOSAL FACILITIES			
NA	4953	Hazardous Waste Treatment Storage or Disposal	NH ₃ ;Mg;COD;As Cd;CN;Pb Hg;Se;Ag
SECTOR L. LANDFILLS AND LAND APPLICATION SITES			
NA	4953	Landfills and Land Application Sites That Receive or..... Have Received Industrial Wastes, Except Inactive Landfills or Land Applications Sites Occurring on Federal Lands Where an Operator Cannot be Identified	TSS;Fe
SECTOR M. AUTOMOBILE SALVAGE YARDS			
NA	5015	Facilities Engaged in Dismantling or Wrecking Used Motor	TSS;Fe;Pb;Al Vehicles for Parts Recycling or Resale and for Scrap
*SECTOR N. SCRAP RECYCLING FACILITIES *			
NA	<u>5093</u>	Processing, Reclaiming, and Wholesale Distribution of Scrap	TSS;Fe;Pb and Waste Materials..... Al;Cu;Zn;COD
SECTOR O. STEAM ELECTRIC GENERATING FACILITIES			
NA	4911	Steam Electric Power Generating Facilities	Fe
SECTOR P. LAND TRANSPORTATION FACILITIES THAT HAVE VEHICLE AND EQUIPMENT MAINTENANCE SHOPS AND/OR EQUIPMENT CLEANING OPERATIONS			
P1	40XX	Railroad Transportation	
P2	41XX	Local and Highway Passenger Transportation	
P3	42XX	Motor Freight Transportation and Warehousing	
P4	43XX	United States Postal Service	
P5	5171	Petroleum Bulk Stations and Terminals	
SECTOR Q. WATER TRANSPORTATION FACILITIES THAT HAVE VEHICLE (VESSEL) & EQUIPMENT MAINTENANCE SHOPS AND/OR EQUIPMENT CLEANING OPERATIONS			
NA	44XX	Water Transportation.....	Al;Fe;Pb;Zn
SECTOR R. SHIP AND BOAT BUILDING OR REPAIRING YARDS			
NA	373X	Ship and Boat Building or Repairing Yards	
SECTOR S. AIR TRANSPORTATION FACILITIES			
NA	45XX	Air Transportation Facilities That Have Vehicle	BOD;COD;NH ₃ ;pH Maintenance Ships, Material Handling Facilities, Equipment Cleaning Operations, or Airport and/or Aircraft Deicing/Anti-icing Operations

<u>Subsector</u>	<u>SIC</u>	<u>Activity Represented</u>	<u>Parameters</u>
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SECTOR M. AUTOMOBILE SALVAGE YARDS			
NA	5015	Facilities Engaged in Dismantling or Wrecking Used Motor Vehicles for Parts Recycling or Resale and for Scrap	TSS;Fe;Pb;Al
SECTOR N. SCRAP RECYCLING FACILITIES			
NA	5093	Processing, Reclaiming, and Wholesale Distribution of Scrap and Waste Materials	TSS;Fe;Pb Al;Cu;Zn;COD
SECTOR O. STEAM ELECTRIC GENERATING FACILITIES			
NA	4911	Steam Electric Power Generating Facilities	Fe
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NA	45XX	Air Transportation Facilities That Have Vehicle Maintenance Ships, Material Handling Facilities, Equipment Cleaning Operations, or Airport and/or Aircraft Deicing/Anti-icing Operations	BOD;COD;NH ₃ ;pH

<u>Subsector</u>	<u>SIC</u>	<u>Activity Represented</u>	<u>Parameters</u>
SECTOR K. HAZARDOUS WASTE TREATMENT STORAGE OR DISPOSAL FACILITIES			
NA	4953	Hazardous Waste Treatment Storage or Disposal	NH ₃ ;Mg;COD;As Cd;CN;Pb Hg;Se;Ag
SECTOR L. LANDFILLS AND LAND APPLICATION SITES			
NA	4953	Landfills and Land Application Sites That Receive or..... Have Received Industrial Wastes, Except Inactive Landfills or Land Applications Sites Occurring on Federal Lands Where an Operator Cannot be Identified	TSS;Fe
SECTOR M. AUTOMOBILE SALVAGE YARDS			
NA	5015	Facilities Engaged in Dismantling or Wrecking Used Motor Vehicles for Parts Recycling or Resale and for Scrap	TSS;Fe;Pb;Al
SECTOR N. SCRAP RECYCLING FACILITIES			
NA	5093	Processing, Reclaiming, and Wholesale Distribution of Scrap and Waste Materials.....	TSS;Fe;Pb Al;Cu;Zn;COD
SECTOR O. STEAM ELECTRIC GENERATING FACILITIES			
NA	4911	Steam Electric Power Generating Facilities	Fe
SECTOR P. LAND TRANSPORTATION FACILITIES THAT HAVE VEHICLE AND EQUIPMENT MAINTENANCE SHOPS AND/OR EQUIPMENT CLEANING OPERATIONS			
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NA	373X	Ship and Boat Building or Repairing Yards.....	
SECTOR S. AIR TRANSPORTATION FACILITIES			
NA	45XX	Air Transportation Facilities That Have Vehicle Maintenance Ships, Material Handling Facilities, Equipment Cleaning Operations, or Airport and/or Aircraft Deicing/Anti-icing Operations	BOD;COD;NH ₃ ;pH

10/7/2008 11:42:49 AM PM PST
D:\03 RECYCLING\IDCC\DWFP\ATTCH A.dwg



PLAN NOT TO SCALE



TAIT

CONSULTING, INC.

702 Civic Center Drive
Oceanside, CA 92054
Phone: 760-433-1166
Fax: 760-433-1017

**ATTACHMENT A
VICINITY MAP**

FedEx Express

FedEx Tracking Number

8586 1982 7916

1 From Please print and press hard.

Date 2-15-08

Sender's FedEx Account Number

2367-8508-4

Sender's Name

Bruce Tait

Company

TAIT CONSULTING INC

Address

702 CIVIC CENTER DR

City

OCEANSIDE

State

CA

ZIP

92054

2 Your Internal Billing Reference

For 24 characters will appear on invoice.

Ben's Recycling

Recipient's Name

Storm Waters 1544 Flores

Company

State State Resources Control Board

Recipient's Address

10011 1 Street

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address

To request package be held at a specific FedEx location, print FedEx address here.

City

Pasadena

State

CA

ZIP

91014

0342531204

BLA12

0215

Senders Copy

4a Express Package Service

FedEx Priority Overnight
Next business day morning, ^{**}Friday through Monday, ^{**}except holidays, unless SATURDAY Delivery is selected.

FedEx Standard Overnight
Next business afternoon, ^{**}Friday through Monday, unless SATURDAY Delivery is selected.

FedEx 2Day
Second business day, ^{**}Thursday through Monday, unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day, ^{**}Thursday through Monday, unless SATURDAY Delivery is selected.

FedEx 1Day Freight
Next business day, ^{**}Friday through Monday, unless SATURDAY Delivery is selected.

FedEx 2Day Freight
Second business day, ^{**}Thursday through Monday, unless SATURDAY Delivery is selected.

FedEx 3Day Freight
Third business day, ^{**}Friday through Monday, unless SATURDAY Delivery is selected.

FedEx Pak*
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Surety Pak.

FedEx Envelope*

FedEx Tube

FedEx Box

FedEx Other

Special Handling
Include FedEx address in Section 3.

SATURDAY Delivery
NOT Available for FedEx Standard Overnight, FedEx Priority Overnight, FedEx 2Day, FedEx 1Day Freight, FedEx 3Day Freight, FedEx 2Day Freight, FedEx 1Day Freight, FedEx Express Saver, FedEx Pak, FedEx Tube, FedEx Box, FedEx Other, or FedEx Freight. These items cannot be shipped to residential addresses.

HOLD Weekday at FedEx Location
Available ONLY for FedEx Priority Overnight, FedEx 2Day, and FedEx 3Day to select locations.

HOLD Saturday at FedEx Location
Available ONLY for FedEx Priority Overnight, FedEx 2Day, and FedEx 3Day to select locations.

NO **Yes** **Yes** **Yes**
Dangereous goods (including dry ice) cannot be shipped in FedEx packaging. Shipper's Declaration not required.

Payment Bill to: Enter FedEx Acct No. or Credit Card No. below.
 Sender **Recipient** **Third Party** **Credit Card** **Cash/Check**

FedEx Acct. No. _____ Exp. Date _____
Credit Card No. _____ Total Packages _____ Total Weight _____ Total Declared Value \$ _____

Your liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this package and to the current FedEx Service Guide, including terms that limit our liability.

8 NEW! Residential Delivery Signature Options If you require a signature, check Direct or Indirect.

No Signature
Recipient's address may be left without obtaining a signature for delivery.

Direct Signature
Requires recipient's address and signature for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's address, anyone may sign for delivery. Fee applies.

519



Store your addresses at fedex.com

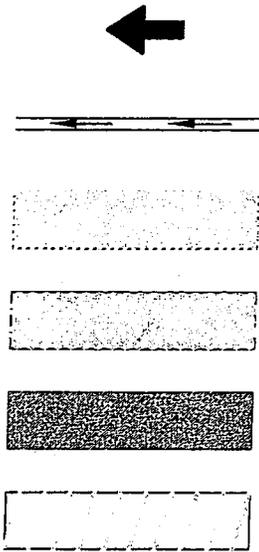
Simplify your shipping. Manage your account. Access all the tools you need.



CD
REA

COVERED CONCRETE
LOADING DOCK

LEGEND



FLOW DIRECTION
 EXISTING CONCR
 AND DIRECTION
 PROPOSED LAND
 PROPOSED LAND
 PROPOSED CON
 EXISTING BUILD

LANDSCAPED
REA, 1627 sq ft

EMPLOYEE
PARKING AREA

EXISTING ASPHALT
PAVEMENT

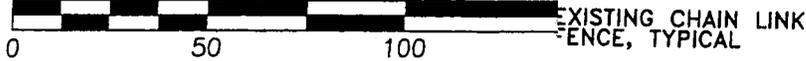
EXISTING CONCRETE
RIBBON GUTTER

DEL

MONTE

COVERED CONCRETE
LOADING DOCK

GRAPHIC SCALE: 1" = 50'

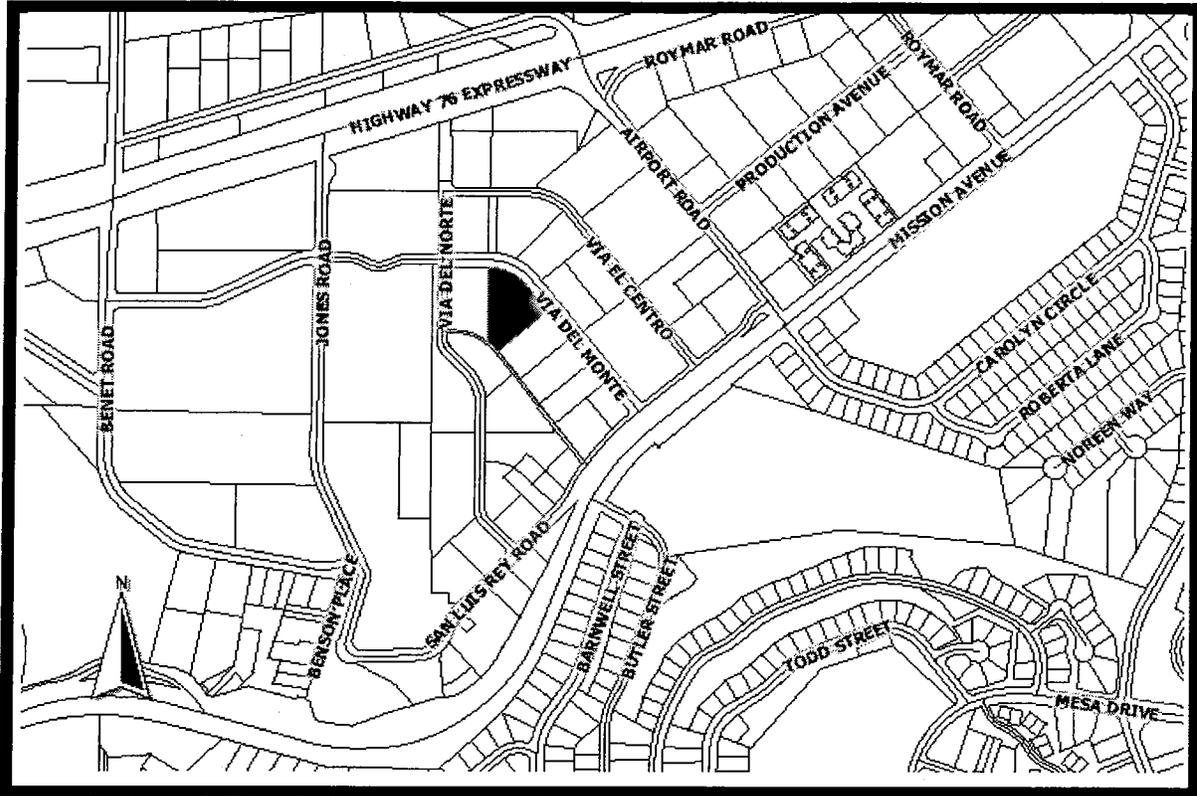


TAIT
CONSULTING, INC.

702 Civic Center Drive
Oceanside, CA 92054
Phone: 760-433-1166
Fax: 760-433-1017



PROJECT SITE PLAN
ING and SCRAP
 Oceanside, CA 92054



File Number: C-35-07

Applicant: Ben's Recycling

Description:

A CONDITIONAL USE PERMIT (C-35-07) to relocate an existing commercial recycling facility at 2229 San Luis Rey to 395 Via Del Monte. The project site is zoned IL (Limited Industrial) and is situated within the Airport Neighborhood. – **BEN'S RECYCLING**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

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Application For Public Hearing				STAFF USE ONLY	
Community Development Department / Planning Division (760) 438-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				ACCEPTED	BY
				11/13/07	SK
Please Print Or Type All Information				HEARING	
PART I - APPLICANT INFORMATION				GPA	
1. APPLICANT Kwak Corporation dba. Ben's Recycling and Scrap Metal		2. STATUS contingent property interest		MASTER/SP/PLAN	
3. ADDRESS 2929 San Luis Rey Road Oceanside, California 92054		4. PHONE / FAX / E-MAIL 760 967 0575 / 760 967 078 kwakda@sbcglobal.net		ZONE CH.	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) The Lightfoot Planning Group (contact: Sophia Kollias)				TENT. MAP	
				PAR. MAP	
				DEV. PL	
				C.U.P.	C-35-07
6. ADDRESS 5750 Fleet Street, Suite 250 Carlsbad, CA 92008		7. PHONE / FAX (760) 692-1924 phone (760) 692-1935 fax		VARIANCE	
PART II - PROPERTY DESCRIPTION				COASTAL	
8. LOCATION 395 Via Del Monte				O.H.P.A.C.	
				9. SIZE 1.18 acre / 51,401 square feet	
10. GENERAL PLAN LI Light Industrial	11. ZONING IL Limited Industrial	12. LAND USE RV repair business	13. ASSESSOR'S PARCEL NUMBER 146-050-29		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION Request for a Conditional Use Permit to locate a recycling collection business into an existing building at 395 Via Del Monte.					
15. PROPOSED GENERAL PLAN no change		16. PROPOSED ZONING no change		17. PROPOSED LAND USE large recycling collection facility	18. NO. UNITS n/a
				19. DENSITY n/a	
20. BUILDING SIZE 14,000 square feet (existing building)		21. PARKING SPACES 33 spaces		22. % LANDSCAPE 12 %	23. % LOT COVERAGE OR FAR 27% (existing building)
PART IV - ATTACHMENTS					
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION		<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION		<input checked="" type="checkbox"/> 26. TITLE REPORT	
<input checked="" type="checkbox"/> 27. NOTIFICATION MAP & LABELS		<input checked="" type="checkbox"/> 28. ENVIRONMENTAL INFO FORM		<input checked="" type="checkbox"/> 29. PLOT PLANS	
<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS		<input type="checkbox"/> 31. CERTIFICATION OF POSTING		<input type="checkbox"/> 32. OTHER	
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF 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).		
33. APPLICANT OR REPRESENTATIVE (Print): Kwak Corporation dba. Ben's Recycling and Scrap Metal		34. DATE 11-9-07		35. OWNER (Print): Ganatot Land Company; Marco Josepho, Trustee	
Sign: <i>Ben Kwak</i>				36. DATE 11-8-07	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign: <i>Scott</i>		

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SCOTT

Description and Justification

Conditional Use Permit (C-35-07)
applicant: Ben's Recycling

February 2008

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A Conditional Use Permit (CUP) is being requested for the applicant, Ben's Recycling and Scrap Metal, a California certified recycling collection center. The applicant currently operates a recycling business with an approved CUP (C-23-95) in a 5,200 square-foot leasable building at 2929 San Luis Rey Road, less than a ½ mile down the street. Kwak Corporation would like to relocate this recycling operation into a larger structure by purchasing an existing 14,000 square-foot building located at 395 Via Del Monte. The building at 2929 San Luis Rey Road will then be used primarily as a storage facility for excess recyclable materials that cannot be processed on site and will instead be ready for pick-up for off-site processing. This building will also be used for larger commercial applications and it will not serve the general public as a point of sale for recyclable materials.

The new building at 395 Via Del Monte is located on a 51,401 square-foot (1.18 acre) property (APN 146-050-29). The site has a General Plan designation of Light Industrial (LI) and is zoned Limited Industrial (IL) within the Airport Community Plan Area. Limited industrial uses surround the property.

CONDITIONAL USE PERMIT

Per Section 3037 of the City of Oceanside Zoning Ordinance, a large collection recycling facility is permitted in an IL zoning district with the approval of a CUP. Ben's Recycling and Scrap Metal business is a Large Collection Recycling Facility with light processing activities as permitted under Section 3037 D.3.d. The types of recyclable materials that will be collected by the general public at this new facility are as follows:

All Certified California Redemption Value (CRV) items related but not limited to:

- Aluminum/Bi-Metal Cans
- Plastic Bottles – (PETE, HDPE, PVC, LDPE, PS)
- Glass Beverage Containers

Metals:

- Aluminum (all alloys and variants)
- Brass (red and yellow)
- Copper (fittings, pipe, wire, sheet)
- Steel/Iron (all variants EXCLUDING full automobiles) (see "a" next page)

- Stainless Steel
- Titanium
- Tungsten
- All Nickel based variants

Other:

- Paper products
- Cardboard, Newspaper
- Scrap Plastics, Rubber (see “b” below)
- Electronic Waste (see “c” below)

a) Steel:

Only steel regarded as “scrap” will be purchased and boxed for recycling/removal. This facility will NOT smelt, shred or use any chemical agent to process materials. Items that are deemed “hazardous” will NOT be accepted nor allowed on the premises without proper certificates and licensing. All steel and iron based products will be limited to INSIDE the facility. Iron/steel will be stored in 20-foot containers. The destination for steel will be completely opposite of the customers/clients, to insure that exposure and probability of injury will be minimal.

b) Plastics/Rubber:

All plastics that would otherwise be discarded in landfills will be packaged and reused back into the open market. This does not include any contaminated sources of oils, resins, or any toxic substances. This facility will NOT burn or smelt ANY plastic or rubber material, nor will it accept any contaminated sources of plastic or rubber material.

c) Electronic Waste:

Electronic Waste and any component dealing with electronics will be collected. Ben’s Recycling will serve only as a collection facility, not a processing facility. Electronics will not be destroyed or baled. Electronic waste will only be collected and packaged for another destination.

Business Operations

The operation of the business will be open to the general public, contractors, manufacturers, and retailers. It will be open from Monday to Saturday, from 9:00 a.m. until 5:00 p.m., and will be closed all major holidays. During operational hours, all interested parties will “sell” their merchandise and in return will be paid cash or cash equivalents based off of weight. All California CRV products have a price floor that is mandated by the State of California, and scrap metals will be purchased mainly through manufacturing companies and/or any willing party. Based on the current business at 2929 San Luis Rey Road, the average transaction time with customers from start to finish has been historically (for the past 12 years) approximately 3 - 10 minutes.

The western half of the warehouse will accommodate light-processing of metal recyclable materials. Light-processing activity related to CRV recyclable materials will

be located in the eastern half of the building. There will be a customer area located on this side of the building as well. The existing building includes an office and restrooms at the front of the building facing Via Del Monte.

Purchased materials will be sorted, cut, sheared, baled, or boxed accordingly for temporary storage and shipment. Ben's Recycling will not purchase, handle, or dispose of any materials deemed to be hazardous or even remotely hazardous. Ben's Recycling does not burn, smelt, or use any chemical agents to process any material. All CRV and scrap metals will be stored inside the facility with certified non-leak containers.

When applicable, boxed/baled products will be shipped to a local processor (IMS Recycling) for further sorting. Shipping materials has generally been twice a week; it occurs before operational hours. Recyclable materials will be collected at the facility by forklift technicians/drivers and will be loaded onto a flatbed truck, operated by an outside contractor for pick-up.

Ben's Recycling is proposing to locate into this building without structural improvements to the building. The existing building will remain as built. The only "improvements" to the site will be striping the lot to accommodate parking for employees and customers, installing additional landscaping, and removing barbed wire above the existing fence surrounding the property. The applicant will not be repaving or replacing asphalt that currently exists on site.

Ben's Recycling has built the reputation as having one of the cleanest facilities in Southern California that actually promote recycling as opposed to fearing it. Customers will not have access to the recycling processing area. Families and classrooms routinely visit the current location to seek education on the importance of recycling and also what constitutes regular everyday items that are being thrown away as "trash." Ben's Recycling is committed to continuing a clean and professional environment to provide quality service and ethical business procedures. Grounds will be swept daily and multiple times a day to ensure safety, as well as routine floor washing twice a week to combat odors and grime.

Parking & Access

Per Section 3037 D.3.c. of the Zoning Ordinance, 6 parking spaces are required for customers and 1 space for each commercial vehicle operated by a large collection facility. There will not be any commercial vehicles operated and owned by Ben's Recycling. Recyclable materials will be picked up by outside contractors. There will be a total of 31 parking stalls proposed on site, in excess of the minimum required. Nine of these spaces will be located at the front of the building for employees and Kwak Corporation only, and the remainder of the parking (22 spaces) will be located at the rear of the building for customers. All parking spaces will comply with minimum dimensions per the Zoning Ordinance. According to Section 3110 A., parking in excess of the minimum required could be small spaces (7.5'x15'). Employee parking

will be proposed with a dimension of 10'x16' at the front of the building. For customer parking, there will be two rows of spaces (22 total) with a dimension of 8.5'x20' that include two handicapped spaces with a dimension of 9'x20' and a loading area. Customer parking next to the proposed landscape planter will include a two-foot overhang.

Access into the site will not change and will be from Via Del Monte. Two-way access is provided for customers only from this street to the rear of the facility, via the eastern end of the site. Here, customers will park and transport their recyclable materials into the building. There is an alley at the rear of the property, but there will not be public access into the site from this end.

Security & Public Safety

Ben's Recycling believes in closely interacting with local law enforcement, and vehemently opposes purchasing materials that may have been stolen. Ben's Recycling will require proper identification on all scrap metals to be purchased, along with requiring the customer to personally write their name and ID number on the scrap metal. The applicant will be visiting local businesses and distributing information and contacts of all recyclers in North County in the event of theft to provide quicker solutions to law enforcement and deter the amount of theft. Larger commercial materials will require business cards or a contact that will be notified upon purchase of materials. There will be 24-hour surveillance from multiple angles within the facility. Other security measures are already in place such as the existing fence along the rear of the property and existing gate at the eastern end of the site, restricting access to only typical business hours. Ben's Recycling will be using an outside contractor to pick up shopping carts in the event they are left on the premises, and will be returned to their rightful place on a weekly basis.

CONCLUSION

A strong core value for Ben's Recycling is to improve the City of Oceanside and progress with time. Pursuant to stricter regulations and legislation, particularly the California Integrated Waste Management Act on 1989 (AB 939), every city is required to lower the amount of waste with milestones and harsh penalties. The original document requests a 50% Solid Waste reduction in 2000. By providing a facility to drop-off and ship out materials that are normally thrown away, Ben's Recycling estimates that their facility can reduce the amount of solid wastes by over 10,000 tons (conservatively) in the first year alone.

Approval of the requested Conditional Use Permit would allow the Kwak Corporation to continue operating a successful recycling facility in the City of Oceanside by relocating their existing business located at 2929 San Luis Rey Road into a larger building at 395 Via Del Monte.

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 adopted.

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 location of Ben's Recycling is in accordance with the purposes of the Limited Industrial zoning district. The business is a large collection facility and meets the definition of a low-intensity industrial use as prescribed in this zoning district. Locating a recycling business in this location will be appropriate since there are other Limited Industrial uses surrounding the proposed location. The proposed location is in accord with the purposes of the Zoning Ordinance in that it is consistent with the Land Use Element of the General Plan.

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 the persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the city.*

The location of Ben's Recycling into the existing building will be compatible with the surrounding industrial land uses. The applicant, Kwak Corporation will continue to serve the public by providing a clean recycling facility. 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 within the industrial business park and surrounding area.

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 in which it would be located.*

The proposed conditional use complies with the Limited Industrial development regulations of the Zoning Ordinance in terms minimum yards, lot coverage, and parking. The proposed use also complies with specific requirements for recycling facilities per Section 3037 of the Zoning Ordinance.

Legal Description

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

LOT 2 OF RESUBDIVISION NO. 1 OF LOT 3, OCEANSIDE INDUSTRIAL SUBDIVISION, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 4654, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 31, 1960.

APN: 146-050-29-00

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NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** KWAK Corp, Ben's Recycling
2. **ADDRESS:** 2929 San Luis Rey Rd.
Oceanside CA. 92054
3. **PHONE NUMBER:** (760) 967-0575
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Ben's Recycling
7. **DESCRIPTION:** A request to occupy an existing 51,401 square foot industrial building for the use of a commercial recycling facility.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 1 "Existing Facilities" (Section 15301) (e); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: 6/9/08

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee