

PLANNING COMMISSION

Agenda Item No.: 6.2
Date: June 28, 2013

CASE NUMBER: PHG 13-0021

APPLICANT: Advanced Chemical Transport (ACT)

LOCATION: 2010 W. Mission Road (APN 228-360-13)

TYPE OF PROJECT: Conditional Use Permit

PROJECT DESCRIPTION: A Conditional Use Permit to allow the truck-to-truck transfer of regulated hazardous and bio-hazardous waste for Advanced Chemical Transport (ACT) on a 2.6-acre site in the M-1 (Light Industrial) zone.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: Light Industrial (LI)

ZONING: M-1 (Light Industrial)

BACKGROUND/SUMMARY OF ISSUES:

Advanced Chemical Transport (ACT) is an environmental service provider specializing in the management and transportation of laboratory and industrial non-hazardous, hazardous and bio-hazardous waste. ACT customers generally consist of pharmaceutical, biotechnology, hospitals, universities, schools, manufacturers and local agencies. The majority of ACT's services are performed at the customer's location. ACT's services include providing clients with Department of Transportation (DOT) United Nations (UN) approved shipping containers and packaging materials; health and safety supplies; environmental health and safety consulting services; compliance training; on-site waste management and technical services; environmental project management; emergency spill response; and waste transportation. ACT currently is registered by the Department of Toxic Substance Control as a Hazardous Waste Transporter. ACT has a staff of DOT, RCRA, CA Title 22, OSHA, CHP trained and managed technicians/drivers that operate small bobtail box vans that provide on-site services and pick up sealed containerized waste materials packaged for transportation at the customer's location. These bobtail vans return to the ACT yard and transfer the sealed waste materials to 53' long-haul Box Van trailers for shipment to licensed Treatment, Storage and Disposal Facilities (TSDFs).

ACT has been operating a hazardous waste transfer facility at its 1.69-acre Escondido location at 2213 Meyers Avenue for the past several years pursuant to an approved Conditional Use Permit (City File No. 2007-41-CUP), but all truck-to-truck transfer of specific hazardous material is conducted at a separate leased industrial site located at 665 Opper Street in accordance with an approved Conditional Use Permit (City File No. PHG 12-0012). The truck-to-truck transfer of this material was moved from the main Meyers Avenue site (which is owned by ACT) last year in response to a State Department of Toxic Substance Control (DTSC) determination that the actual transfer of hazardous material needs to maintain a minimum distance of 500 feet from any residential or other sensitive uses as required by Section 25123.3 of the California Health and Safety Code. All other ACT related business and transfer-related activities continue to be conducted at their existing Meyers Avenue facility, including the transfer of biohazardous-medical type and universal waste (batteries, lamps, etc.). ACT is requesting this CUP to consolidate all of their operations at approximately 2.6-acre site Mission Avenue, which they are in escrow to purchase. When the new site is occupied and operational, the Meyers Avenue and Opper Street activities would cease.

In accordance with the requirements set forth for transporters of waste materials by the California Department of Public Health (CDPH) and Department of Toxics Substances Control (DTSC), ACT is not authorized or permitted to open, use, generate, process, produce, repackage, treat, store, emit, discharge or directly handle any of the containerized waste materials they pick up and transport from their customers to the TSDFs. Packaged materials are not allowed to come in contact with the ground or to be stored in the building or open areas. The packaged materials would be stored within the enclosed transfer trucks/trailers staged on the site until ready to ship to a licensed TSDF. Hazardous materials also

cannot be stored on the site for more than ten days in accordance with State requirements for this type of transfer facility. Escondido currently does not have any hazardous waste treatment/disposal (TSDF) or medical waste treatment facilities.

Staff feels the issues are as follows:

1. Whether the site is appropriate for a hazardous and medical waste transfer/distribution facility.

REASONS FOR STAFF RECOMMENDATION:

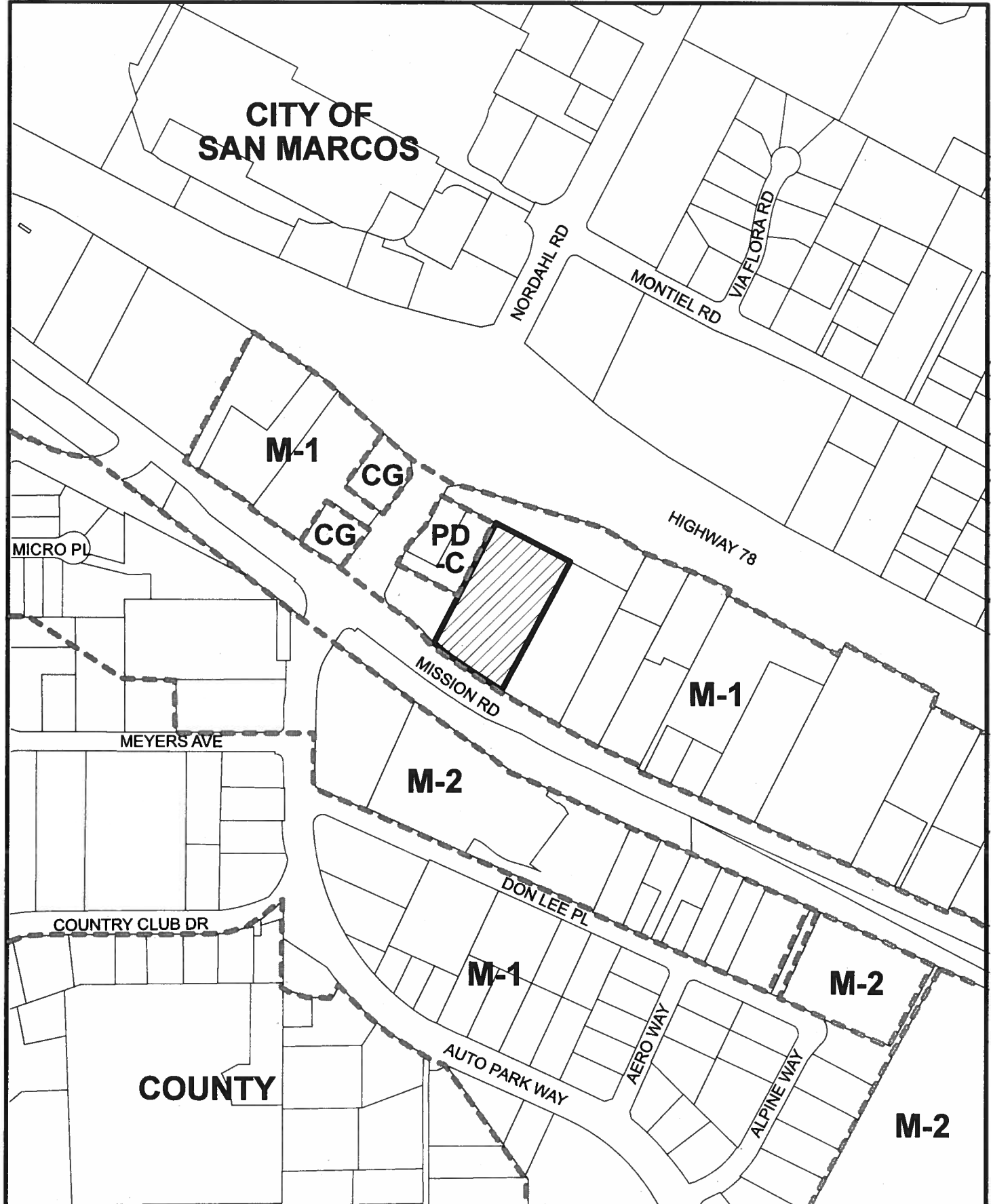
1. The facility is located within a light industrial zone and is surrounded by a variety of industrial uses. The existing site would be suitable for this type of transfer type operation since appropriate safety and operational protocols would be in place to ensure public health and safety. The request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers and the materials are not directly handled, processed or treated at the facility. The probability of upset or spill of materials and release of noxious odors or vapors is minimal since all materials are sealed in their prepackaged containers throughout the entire process, and no waste material is directly handled by ACT. The on-site storage time, handling and monitoring/tracking of the materials is strictly regulated by the California Department of Health Services and Department of Toxic Substance Control.

Respectfully Submitted,



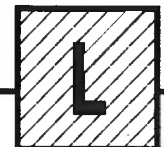
Jay Paul
Associate Planner

**CITY OF
SAN MARCOS**



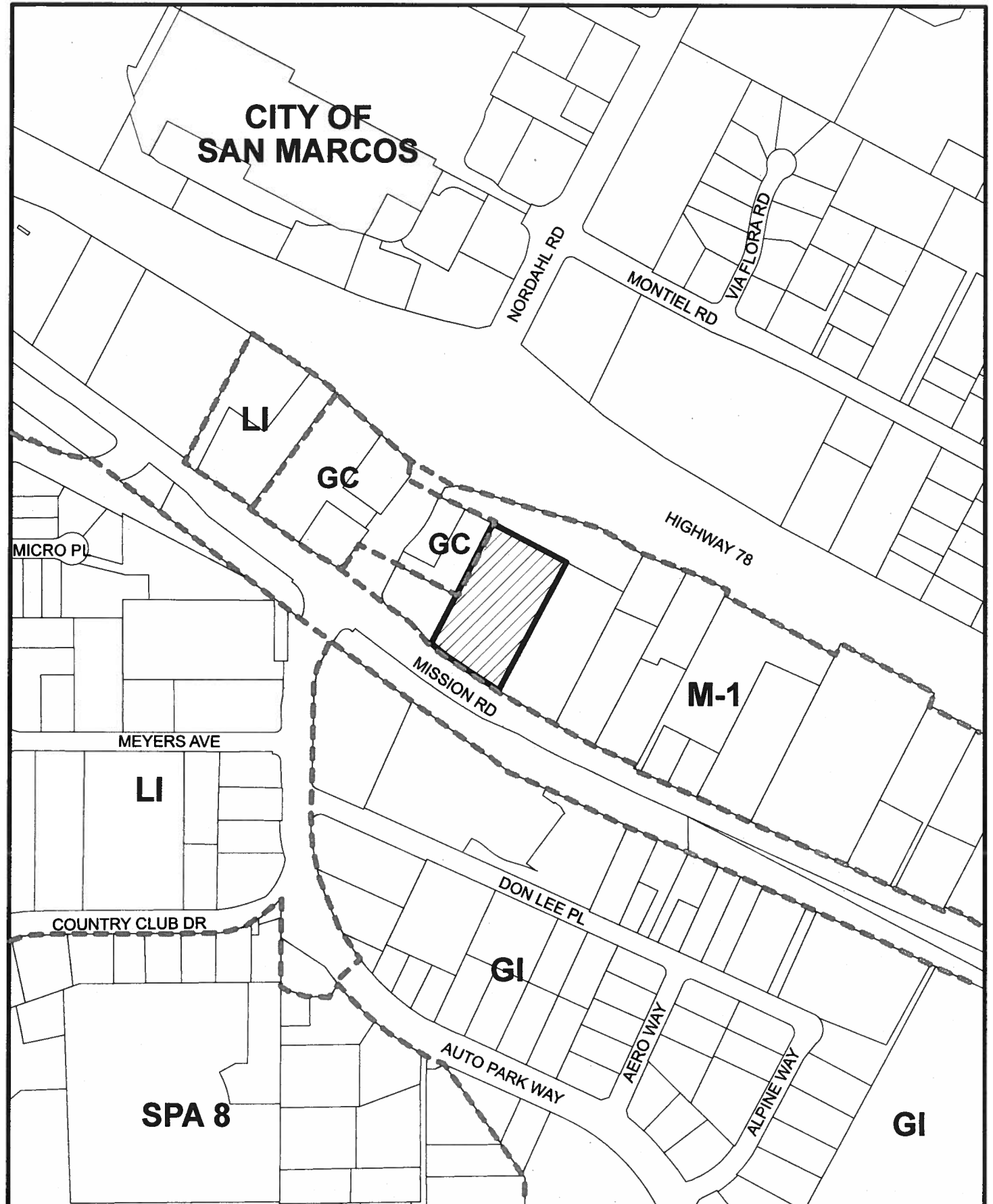
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**PROPOSED PROJECT
PHG 13-0021**



LOCATION/ZONING

**CITY OF
SAN MARCOS**



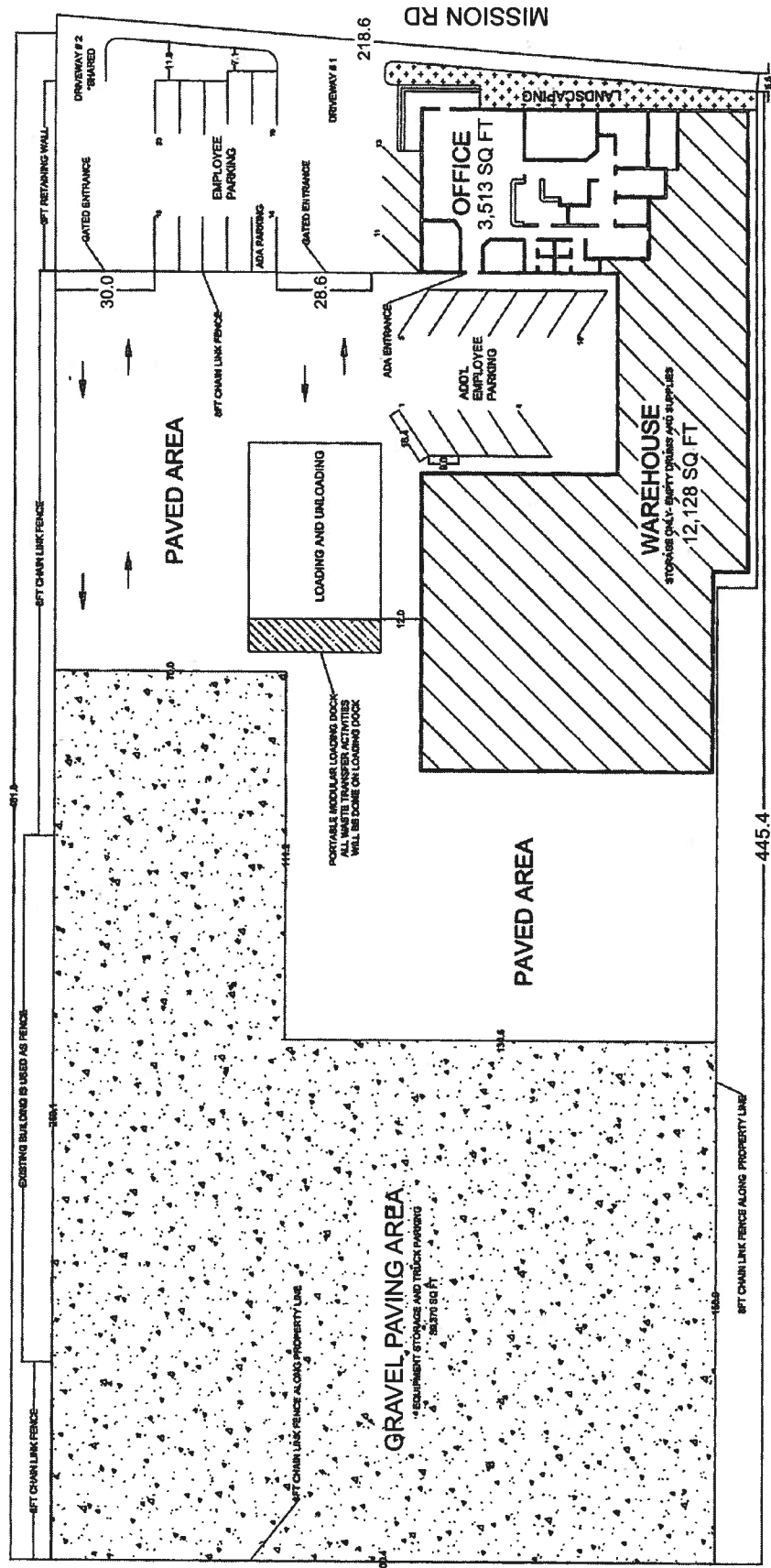
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**PROPOSED PROJECT
PHG 13-0021**



GENERAL PLAN

**ADVANCED CHEMICAL
TRANSPORT, INC.**
 2010 W. Mission Ave
 Escondido, CA, 92029
 760-489-5600



**PROPOSED PROJECT
PHG 13-0021**



SITE PLAN

ANALYSIS

A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: M-1 zoning (Light Industrial) An equipment rental/outdoor storage area is located immediately north of the site. A chain-link fencing separates the site from the adjacent property. Highway 78 also is located north of the site at a higher elevation.

SOUTH: M-2 zoning (General Industrial) A variety of industrial buildings/uses are located south of the subject site on the southern side of Mission Avenue. The Sprinter light rail line also is located along the southern side of Mission Avenue.

EAST: M-1 zoning (Light Industrial) A variety of industrial uses, including outdoor storage.

WEST: PD-C and M-1 zoning (Planned-Development Commercial and Light Industrial) An auto repair/body shop and an ARCO AM/PM mini-mart/gas station are located west of the site. Chain-link fencing separates the site from the adjacent properties/uses.

B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service -- The Police Department expressed no concern regarding the proposed project and their ability to serve the site.
2. Effect on Fire Service -- The Fire Department indicated that adequate services can be provided to the site and the proposed project would not impact levels of service. The building is equipped with an automatic fire sprinkler system.
3. Traffic – The Engineering Department indicated the project would not have any impacts to existing traffic or circulation within the area.
4. Utilities –Water and sewer is available from existing mains in the adjoining streets or easements. The Engineering Department indicated the project would not result in a significant impact to public services or utilities.
5. Drainage – The Engineering Department determined the project would not materially degrade the levels of service of the existing drainage facilities. The property is not located within a 100-year floodplain as indicated on FEMA maps.

C. ENVIRONMENTAL STATUS

1. The project is exempt from environmental review in conformance with Section 15301 “Existing Facilities” of the California Environmental Quality Act (CEQA). In staff’s opinion, the request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers; materials are not directly handled at the facility and all primary shipping containers remain sealed; the project site is located within an industrial zone; the building type is appropriate for this type of use; the probability of upset or spill of materials is minimal since shipping containers remain sealed and no waste material is directly handled by ACT; and appropriate operational and safety protocols will be in place. The subject area does not contain any sensitive vegetation, nor would the project encroach into native vegetation areas. The nearest sensitive receptor (residential property) is located approximately 1000 feet to the south and 900 feet to the north across Highway 78. The property is not located within a 100-year floodplain as indicated on FEMA maps, and therefore is not subject to flooding or mudslides. The use would not result in any air-quality or odor impacts since all materials remain in their sealed containers. In staff’s opinion, no significant issues remain unresolved through compliance with code requirements, required county, state and federal standards and permits, and the recommended conditions of approval.

D. GENERAL PLAN ANALYSIS:

General Plan – The General Plan land-use designation for the site is Light Industrial, which allows for a wide range of industrial uses. The Community Protection Section of the General Plan establishes goals and policies regarding hazardous materials to protect the public from the handling, use, storage and transport of hazardous materials. Advanced Chemical Transport (ACT) would be in conformance with the City’s Hazardous Waste Policies since they are part of the countywide effort to properly handle, store and transport hazardous and medical waste from the city and county to

licensed disposal facilities. ACT also provides business education in the handling, storage and packaging of hazardous and medical wastes, along with being a qualified responder for any hazardous waste incidents and clean-up activities.

E. PROJECT ANALYSIS

Appropriateness of the Location of the Facility – The 2.6-acre project site is developed with a 15,641 SF industrial building, paved parking and a gravel open lot area. The site currently is secured with chain-link fencing with gates to control access. The building and site has been used in the past to accommodate industrial and commercial uses, including warehousing and outdoor storage. All of ACT’s inventory (new containers and supplies) would be stored within the existing building, and the off-loading and loading of materials would take place within the central portion of the site. ACT does not propose to unload waste materials into the building or onto the ground. All materials would be directly transferred from one vehicle to the larger container trucks. A portable loading ramp would be used to facilitate the truck-to-truck transfer operations and secondary containment is setup around the loading operations to properly contain any potential spills. No outdoor storage of materials is proposed, except for the parking of fleet vehicles/trailers, which would be similar to the previous uses of the site and compatible with adjacent industrial uses. No physical modifications are proposed for the building or site, except general clean-up of the property, fence removal or modification to provide appropriate on-site circulation and security, and restriping of the parking spaces. Therefore, the project would not have any compatibility or visual impact to surrounding uses or views.

Staff feels the request to use the industrial property to support ACTs transport activities is appropriate because the facility is located within an industrial zone and there are no sensitive uses within the area. Appropriate safety and operational protocols would be in place to ensure public health and safety. The request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers and the materials are not directly handled, processed or treated at the facility. The probability of upset or spill of materials and release of noxious odors or vapors is minimal since all materials are sealed in their prepackaged containers throughout the entire process, and no waste material is directly handled by ACT. The on-site storage time, handling and monitoring/tracking of the materials is strictly regulated by the California Department of Health Services and Department of Toxic Substance Control. ACT has been operating in Escondido since 2006 without any incident or code issues.

Operations and Health Risk – ACT’s operations are not considered a Transfer, Storage, Disposal or Treatment Facility (TSDF) which would restrict the facility to the City’s M-2 zone, and require a higher level of local and state permitting and oversight. The proposed facility would be located within the M-1 zone (Light Industrial) which allows for less intensive types of industrial uses. Typical wastes that ACT transports include:

Cold Sterilizers (flammable disinfectants)	Lab Trash & Debris
Photo Fixer and Developer Solutions	Computer Monitors and Electronic Waste
Fluorescent Light Tubes	Batteries
Flammable Solvents (alcohol, isopropanol, methanol, petroleum distillates, etc...)	Oxidizing Compounds
Corrosives (chlorine, bleach, ammonia, hydrochloric acid, various alkaline products, etc...)	Toxics (pesticides, glues, inks, mercury, glycols, glycol ethers, petroleum hydrocarbons)
Non Hazardous products for destruction and/or disposal	Medical Wastes (biohazardous waste, sharps waste, chemotherapeutics, pharmaceuticals and other health care by-products.)

TSDFs are governed by Title 22 “Social Security” of the California Code of Regulations, Division 4.5 (*Environmental Health Standards for the Management of Hazardous Waste*), Chapter 14 (*Standards for owners and operators of Hazardous Waste Transfer, Treatment Storage and Disposal Facilities*). However, a transfer facility, as defined by Section 25123.3(a)(3) of the Health and Safety Code, is not subject to the requirements of Chapters 14, 15, 18 and 20 regarding permit for waste storage when, during the normal course of transportation, hazardous wastes are held for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority and:

- (a) Manifested shipments of packaged or containerized hazardous waste meeting the packaging requirements of section 66262.30 are only transferred from one vehicle to another; and
- (b) The packages or containers used in this transfer shall be the same packages or containers used for transporting the hazardous wastes and no additional handling shall take place.

State regulations allow for medical waste generally to be in transit at a transfer facility up to seven days. However, the waste must be treated within this seven day period. The only exception to this regulation is when the waste is in transit under refrigeration at the transportation facility. Medical waste can be in transit at a transfer facility up to 30 days, as long as it is maintained under refrigeration. ACT indicated that compliance with these timeframes always would be maintained since their standard hold times typically are less than seven days, and in the rare event they need to exceed seven days, they have a refrigerated box van trailer to meet the requirements. However, ACT would not hold medical waste longer than ten days on site since hold times for hazardous waste within an industrial zone is a maximum of ten days. Businesses that store hazardous waste beyond their permitted timeframes must obtain a special permit from DTSC to operate as a Treatment, Storage and/or Disposal Facility (TSDF) and also would come under the Escondido Zoning Code provisions for locating and operation a TSDF. The requirements for such a permit are extremely rigorous and normally are obtained only by large industries with a specialized need for such a permit. ACT currently ships medical waste to a facility in Sun Valley (LA Metro) for processing microwave treatment, incineration and disposal. Hazardous waste generally is shipped to various TSDFs in the LA Metro area. ACT has indicated that in order to make the transportation of medical and hazardous waste cost effective, enough of the waste must be stored several days until there is a sufficient amount to ship to the authorized/permitted disposal facilities.

To protect the public and the environment from potential infectious exposure to disease causing agents, the California Medical Waste Management Program (Program) regulates the generation, handling, storage, treatment and disposal of medical waste by providing oversight for the implementation of the State Medical Waste Management Act. The Program permits and inspects all medical waste off-site treatment facilities and medical waste transfer stations. ACT indicated they are inspected regularly by the California Department of Public Health, who enforces the Program. ACT currently is registered by the Department of Toxic Substance Control (DTSC) as a Hazardous Waste Transporter and by the California Department of Public Health (CDPH) as a medical waste transporter, in conformance with the California Health and Safety Code. The facility would be licensed by CDPH which allows the facility to warehouse medical waste. The California Health and Safety Code also requires medical waste transporters to submit to CDPH a quarterly list of all medical waste generators they service. CDPH does not consider this type of operation a "high risk" use since all materials are packaged in approved containers; there are specific limitations regarding the handling of materials/containers; and the methods of operation and safety protocols required for the operators ensures the health and safety of the public and protection for workers. ACT will need to transfer their current permits and notifications with the DTSC for hazardous waste and the CDPH for medical waste to this new facility. The facility maintains an Emergency Action Plan (EAP) and Hazardous Materials Emergency Response protocols to ensure appropriate safety in the event of an accident or spill, as well as the appropriate incident reporting and records program

Monitoring – The California Highway Patrol (CHP) is responsible for the oversight of the transportation of hazardous and medical wastes on the area highways, and conducts a yearly inspection to ensure operation/vehicle compliance. The Department of Toxic Substance Control also conducts a yearly inspection of the facility, but may conduct other inspections as they deem necessary. The facility is not required to obtain any permits from the County due to the low representative hazards from such a facility. The facility is required to submit records of all materials transported within 30 days to DTSC to ensure the shipping manifest from the generator to the final destination (TSDF) correspond. Failure to report or for manifests not to match would trigger an investigation and perhaps an audit by DTSC. The CDPH requires a quarterly report to be filed to ensure compliance, and conducts inspections as needed for medical waste. The facility maintains an Emergency Action Plan (EAP) and Hazardous Materials Emergency Response protocols to ensure appropriate safety in the event of an accident or spill, as well as the appropriate incident reporting and records program.

SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

A. PHYSICAL CHARACTERISTICS

The 2.6-acre site is developed with a 15,641 SF industrial building, paved parking and gravel surfaced outdoor storage area. The perimeter of the site is secured by chain-link fencing with slats along the southern boundary to screen views into the site from Mission Avenue. Ornamental landscaping is located along a portion of the Mission Avenue frontage. Access to the site is provided from Mission Avenue on the south. The site is relatively flat (less than 5% slope) and does not contain any sensitive habitat or species. The site previously was used by an irrigation contractor business for business offices, warehousing and display of merchandise, along with outdoor pipe, materials and truck/trailer storage.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 2.6 acres (two parcels)
 2. Building Size: 15,641 SF (single-story industrial/office and warehouse type building)
 3. Parking: 27 striped spaces are required to be provided on site. The site has sufficient area to provide the necessary spaces. Require parking is based on the following:

Office – 3,513 SF:	1:300	12 spaces
Warehouse/Storage – 12,128 SF:	1:800	15 spaces

Total Required: 27 spaces
 4. Number of Employees: Up to 25 (10-15 drivers/technicians and 10 admin/sales).
 5. Number of Vehicles: 2 Tractor (Conventional Cab) which can tow any of the following trailers:
 - 1 - 48' Box Van Refer Trailer
 - 5 - 53' Box Van Trailers3 26' Bobtail Box Vans
1 14' Bobtail Van
 6. Hours of Operation: Typical business hours Monday – Friday:

4:30 a.m.	3-5 day/week, driver picks up tractor w/53' van to deliver to TSDFs
6:30 a.m. – 7:30 p.m.	Everyday, drivers pick up bobtails and depart for the days work.
2:00 p.m. – 3:00 p.m.	Everyday, drivers return to the yard to transfer containers to 53' vans and prepared for the next days work. Occasionally drivers will be returning to the yard earlier than 2:00 p.m., but this is not the norm.
5:00 p.m. – 6:00 p.m.	All drivers generally have completed their day and go home.

Admin/Sales Hours:
8:00 a.m. – 5:00 p.m. Everyday, 3-5 admin/sales staff in the office at all times
- However, deliveries and transfer operations can operate up to seven days a week, 24 hours a day (this is due to the varying pick-up, delivery and transfer times, and limits on storage of materials, or response to an incident).

EXHIBIT "A"

FINDINGS OF FACT PHG 13-0021

Conditional Use Permit

1. The General Plan land-use designation for the site is Light Industrial, which allows for a wide range of industrial uses. The Community Protection Section of the General Plan establishes goals and policies regarding hazardous materials to protect the public from existing and future hazardous contamination problems. Advanced Chemical Transport (ACT) would be in conformance with the City's Hazardous Waste Policies since they are part of the countywide effort to properly handle, store and transport hazardous and medical waste from the city and county to licensed disposal facilities. ACT also provides business education in the handling, storage and packaging of hazardous and medical wastes, along with being a qualified responder for any hazardous waste incidents and clean-up activities.
2. The proposed use of the site for the loading, unloading and temporary storage of hazardous type materials would not result in a substantial alteration of the present or planned land use since the site is zoned for industrial uses and the site has been developed as an industrial uses. ACT would use the existing facility for the temporary storage and distribution of materials. The proposal would not cause deterioration of bordering land uses since the building and site has been used for a number of industrial uses throughout its life. Appropriate on-site circulation and parking would be provided. All on-site storage of materials would be within the trucks and also within a fenced area. No physical modifications are proposed for the building. Therefore, the project would have any visual impact to surrounding uses or views. The project would not result in or generate any adverse noise, dust, odor or traffic impacts. All proposed uses would be typical of an industrial type use within an industrial area.
3. The proposed transfer/distribution facility would not be hazardous to the health of nearby business/uses or residents since all materials would be stored in approved containers and no direct handling of hazardous materials would take place. The facility would operate under the permitting authority of the California Department of Health Services and Department of Toxic Substance Control. The operation would maintain an Emergency Action Plan (EAP) and Hazardous Materials Emergency Response protocols to ensure appropriate safety in the event of an accident or spill, as well as the appropriate incident reporting and records program.

The project is exempt from environmental review in conformance with Section 15301 "Existing Facilities" of the California Environmental Quality Act (CEQA). In staff's opinion, the request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers; materials are not directly handled at the facility and all primary shipping containers remain sealed; the project site is located within the general industrial zone and Hazardous Chemical Overlay zone; the building type is appropriate for this type of use; the probability of upset or spill of materials is minimal since shipping containers remain sealed and no waste material is directly handled by ACT; and appropriate operational and safety protocols will be in place. The subject area does not contain any sensitive vegetation, nor would the project encroach into native vegetation areas. The nearest sensitive receptor (residential property) is located more than 1000 feet to the south and 900 feet to the north across Highway 78. The property is not located within a 100-year floodplain as indicated on FEMA maps, and therefore is not subject to flooding or mudslides. The use would not result in any air-quality or odor impacts since all materials remain in their sealed containers.

4. The proposed Conditional Use Permit has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and reasons stated above.

EXHIBIT "B"

CONDITIONS OF APPROVAL

PHG 13-0021

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Prior to or concurrent with the issuance of any building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
3. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
4. Any proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47) and the exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits will be required for project signage.
5. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. The operation of the facility shall be consistent with the Details of Request contained within the Planning Commission staff report. No containers or hazardous materials may be stored outside the building, unless stored within completely sealed and secured transportation vehicles, in conformance with county, state and federal requirements. The facility shall operate in conformance with any permits and regulations issued or required by the California Department of Toxic Substance Control and California Department of Public Health.
7. All truck-to-truck transfer of materials shall be done on the paved (concrete surface) portions of the site.
8. No outdoor storage of materials is allowed within the northern (gravel paved) portions of the site. Any storage must be done within the existing building or within a completely fenced and screen area adjacent to the building. Outdoor storage does not include the parking of transfer trucks/trailers and other fleet vehicles.
9. Any changes to operational characteristics of the facility (such as long-term storage, direct handling of waste material, or treatment/disposal of materials, storage of materials within the existing or any new buildings or on the site) must first be approved by the City through the appropriate review process.
10. There shall be no discharge of any hazardous or medical waste materials to the sanitary sewer system, unless approved by the Engineering Division and Utilities Department.
11. A minimum of 27 striped parking spaces shall be maintained with the proposed use. Said parking spaces shall be striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Appropriate wheel stops also shall be provided and indicated on the plans. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. The parking lot shall be restriped prior to occupancy.

12. Minimum 24-foot-wide two-way driveway widths shall be maintained, and indicated on any final site plans. One way driveway widths shall be as approved by the Fire Department.
13. The Conditional Use Permit shall be null and void if not utilized within twelve months of the effective date of approval.
14. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Conditional Use Permit upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
15. The City of Escondido hereby notifies the applicant that the County Clerk's Office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180 day statute of limitations will apply.
16. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition. Any missing or damaged plant materials or irrigation shall be replaced.
17. The gravel paved areas of the site that are missing materials (pot holes) shall be repaired with compacted gravel, where necessary.
18. No trash receptacles shall be stored outside unless an appropriate trash enclosure area is constructed per City requirements.

Fire Department:

1. ACT shall submit a Technical Report to the Fire Department, which includes items such as a list of materials handled, transferred and stored; safety protocols; containment methods; response to on-site emergencies/spills; types of on-site transfer methods; and manifest logs).

Building Division:

1. The facility shall be restricted to the storage and transfer of packaged waste only.
2. All quantities handled at the facility shall be within exempt amounts allowed by the building code.
3. Any changes to the exterior or interior of the existing building to accommodate the new use or any change of use from the existing wholesale landscape products business will require plan submittal and application for a building permit.
4. Provide details and specifications for the proposed loading dock, to the satisfaction of the building official.
5. Provide a complete description of the activities that will occur on this site, in the existing buildings and the step-by-step procedure for transferring and storing of hazardous materials.



CITY OF ESCONDIDO
 PLANNING DIVISION
 201 NORTH BROADWAY
 ESCONDIDO, CA 92025-2798
 (760) 839-4671

Notice of Exemption

To: San Diego County Recorder's Office
 Attn: Deputy County Clerk
 P.O. Box 121750
 San Diego, CA 92112-1750

From: City of Escondido
 201 North Broadway
 Escondido, CA 92025

Project Title/Case No.: PHG 13-0021

Project Location - Specific: 2010 W. Mission Road (APN 228-360-13)

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project: A Conditional Use Permit to allow the truck-to-truck transfer of regulated hazardous and bio-hazardous waste for Advanced Chemical Transport (ACT) at an industrial-zoned parcel. ACT is an environmental service provider specializing in the management and transportation of laboratory and industrial non-hazardous, hazardous and bio-hazardous waste, and currently operates in Escondido at 2213 Meyers Avenue. ACT is proposing to transfer their current operations to the new 2.6-acre site on Mission Avenue, which is developed with a 15,641 SF industrial building, paved parking and an open lot area. The site currently is secured with chain-link fencing to control access to the site. All materials would be directly transferred from one vehicle to the larger container trucks. ACT does not propose to unload waste materials into the building or onto the ground. A portable loading ramp would be used to facilitate the truck-to-truck transfer operations. All of ACT's inventory (new containers and supplies) would be stored within the existing building.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project

Name Advanced Chemical Transport (Larry Moore, General Mgr.) Telephone (760) 489-5600
 Address 2213 Meyers Avenue, Escondido, CA 92029

Private entity School district Local public agency State agency Other special district

Exempt Status: Categorical Exemption. Section 15301, "Existing Facilities."

Reasons why project is exempt:

1. In staff's opinion, the request does not have the potential for causing a significant effect on the environment since all materials are sealed in DOT approved containers; materials are not directly handled at the facility and all primary shipping containers remain sealed; the project site is located within an industrial zone; the site is appropriate for this type of use; the probability of upset or spill of materials is minimal since shipping containers remain sealed and no waste material is directly handled by ACT; there are no sensitive receptors within 500 feet of the site; and appropriate operational and safety protocols will be in place. The use would not result in any air-quality or odor impacts since all materials remain in their sealed containers. No physical alterations to the site or existing building is proposed. No significant issues remain unresolved through compliance with code requirements, required county, state and federal standards and permits.
2. The site is in an area where all public services and facilities are available to allow for the proposed use. The building and site has been used in the past to accommodate industrial and commercial uses, including warehousing and outdoor storage.

Notice of Exemption

PHG13-0021

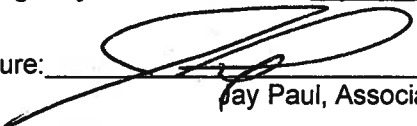
Page 2 of 2

3. The project site is not in an area that is environmentally sensitive due to any sensitive habitat or species. The site is not listed on the current County of San Diego Department of Environmental Health (DEH) as a hazardous waste site (SAM Case Listing). The site is not a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code (Cortese List).
4. The project would not create any significant increase in vehicle trips, nor impact vehicular circulation on or around the site. Appropriate parking is provided on the site to accommodate all uses. The project would not generate any significant noise impacts to adjacent uses through the project design and compliance with the project Conditions of Approval. The project would not result in the destruction of desirable natural features, nor be visibly obtrusive or disharmonious with surrounding areas.

Lead Agency Contact Person: Jay Paul, Planning Division

Area Code/Telephone/Extension (760) 839-4537

Signature: _____



Jay Paul, Associate Planner

_____ June 10, 2013

Date

Signed by Lead Agency

Date received for filing at OPR: _____ N/A _____