



# AGENDA REPORT

## Meeting of the San Marcos Planning Commission

**MEETING DATE:** September 9, 2015  
**SUBJECT:** Rancho Del Oro Towing – Conditional Use Permit (CUP) Renewal  
**CASE:** P15-0013 (CUP 15-001)

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### Recommendation

Conditionally approve the continued operation of an automotive impound yard with limited auto auctions through a Conditional Use Permit renewal. A Mitigated Negative Declaration (MND 99-515) was previously approved for the site.

### Introduction

On April 6, 1992, the Planning Commission approved Conditional Use Permit 91-150 which allowed for the operation of an automotive impound yard at 196 Bosstick Blvd. In 1997, the City's Planning Commission approved renewal of said Conditional Use Permit. In 1999, the Conditional Use Permit was modified to allow for limited auto auctions in conjunction with the automotive impound yard. Renewals of said Conditional Use Permit were approved by the City's Planning Commission in 2005 and 2010. Prior to the expiration date of the current Conditional Use Permit, the applicant filed a renewal request with the Planning Division.

### Discussion

The project site is 1.64 acres in size and contains an existing 1,326 square-foot masonry industrial building, a 162 space impound/vehicle storage lot, and perimeter fencing/walls. The zoning designation of the property (consisting of 2 parcels) is Light Industrial (LI) and the City's General Plan land use designation is also Light Industrial (LI). To the West of the project site are light industrial uses; to the South is a vacant parcel; to the North of the project site is an industrial property located in an unincorporated area of the County of San Diego, and, to the East of the site is the sprinter rail line, a rural residential area located in an unincorporated area of the County of San Diego, and the Rancho Santalina single family residential development. The project site is located in the northern end of an industrial area which is separated from the adjacent residential districts by the Sprinter right-of-way which abuts the subject property.

Rancho Del Oro Towing uses the facility at 196 Bosstick as an impound and storage lot for vehicles it tows and stores in the course of its operations. No vehicle repairs, servicing, or other maintenance activities take place at the project site. However, the site contains two (2) services bays which are used for cleaning, detailing, and minor preventive maintenance of tow trucks only. Consistent with the

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requirements of local law enforcement agencies, a small staff remains onsite 24 hours keeping the site secure and works with customers to recover vehicles that are stored at the facility. As previously noted, in 1999 the Rancho Del Oro Company modified CUP 91-150 to allow periodic outdoor auctions of vehicles at their site. Auctions occur at the site every other Friday between the hours of 4:00 pm and 6:00 pm.

Since last approved in 2011, the City has not received a complaint from the public regarding operation of the site nor have any public comments been received during the application process. In 2013 and 2014, Notice of Violations were issued to the site operator from the City's Code Enforcement Division regarding expired business licenses which were immediately corrected and renewed. To date, the facility's business license is active and valid. During a site inspection, a small number of screen slats on the easterly fence were broken and were immediately replaced upon staff notification.

An automotive impound yard with limited auctions is not listed as a permitted or conditionally permitted use in the San Marcos Municipal Code (SMMC). At the time the project was approved (1992), the use was not identified as a permitted or conditionally permitted use but was found to be within the purview of the Light Industrial zone in that an automotive impound yard is a type of storage business and, as conditioned, is compatible with other uses allowed in the Light Industrial zone. The facility also continues to be consistent with the goals, policies, and intent of the General Plan and the purpose and intent of the Light Industrial (LI) Zone in that the operation of an automotive impound yard with limited auto auctions helps to promote a balanced distribution and compatible mix of land uses to meet the future and present needs of the business community (Goal LU-1) and helps to maintain a supportive business climate and a healthy, sustainable economy creating additional employment opportunities (Goal LU-6).

#### **Environmental Review**

With the approval of CUP 91-150 (1999 Modification), a Mitigated Negative Declaration (ND 99-515) was prepared, circulated, and adopted on October 4, 1999. Since the requested Conditional Use Permit renewal proposes no expansion or modification of the facility as originally examined in MND 99-515, staff has determined that the continued operation of the facility remains within the scope of the previously adopted Mitigated Negative Declaration.

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#### **Attachment(s)**

##### **Adopting Resolution**

- A- Vicinity Map
- B- Aerial Photo
- C- Site Photos
- D- Requested Entitlement
- E- Site & Project Characteristics
- F- Project Plans

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**Prepared by:**

  
\_\_\_\_\_  
Art Piñon, Assistant Planner

**Reviewed by:**

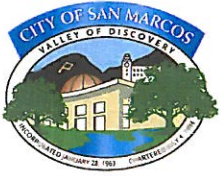
  
\_\_\_\_\_  
Karen Brindley, Planning Division Manager

**Approved by:**

  
\_\_\_\_\_  
Matt Little, Development Services Director / City Engineer

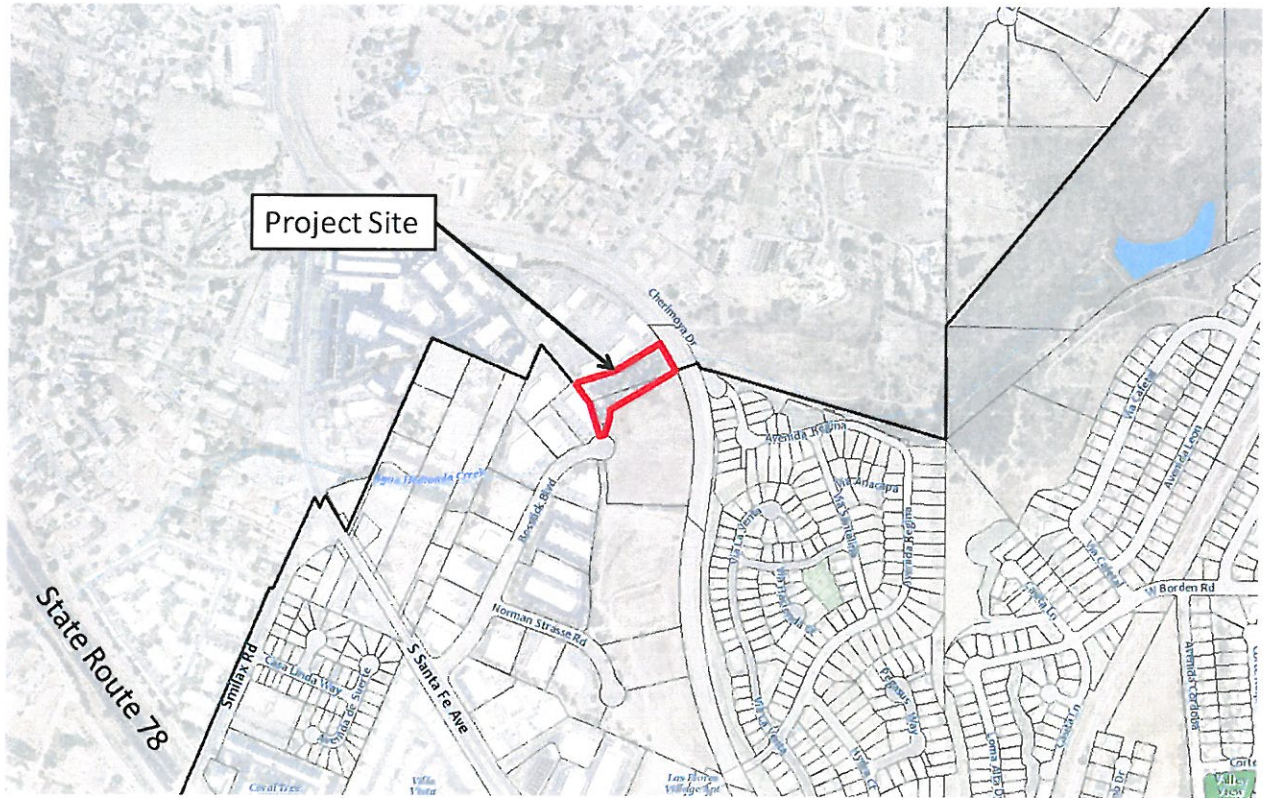
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## ATTACHMENT A

### Vicinity Map



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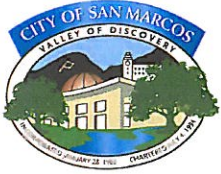
## ATTACHMENT B

### Aerial Photo



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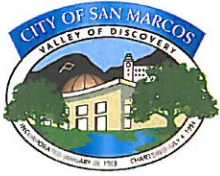


## ATTACHMENT C

### Site photos



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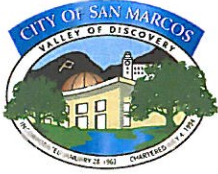
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## ATTACHMENT D

### Requested Entitlement

Conditional Use Permit renewal to allow for the continued operation of a vehicle impound and storage lot with periodic outdoor auctions at an existing industrial facility in the Light Industrial (LI) zone in the College Community

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## ATTACHMENT E

### Site & Project Characteristics

<u>Property</u>	<u>Existing Land use</u>	<u>Zoning</u>	<u>General Plan Designation</u>
Subject	Automotive Impound Yard/Limited Auctions	Light Industrial (LI)	Light Industrial (LI)
North	Industrial	Industrial (County of San Diego)	Industrial (County of San Diego)
South	Vacant	Light Industrial (LI)	Light Industrial (LI)
East	NCTD (Sprinter Rail Line)	No Zoning Designation (Right of Way)	No Zoning Designation (Right of Way)
West	Industrial Park	Light Industrial (LI)	Light Industrial (LI)

Flood Hazard Zone	<u>X</u> yes	<u>  </u> no
Sewers	<u>X</u> yes	<u>  </u> no
Septic	<u>  </u> yes	<u>X</u> no
Water	<u>X</u> yes	<u>  </u> no
Gen. Plan Conformance	<u>X**</u> yes	<u>  </u> no
Land Use Compatibility	<u>X**</u> yes	<u>  </u> no

\*The southeastern corner of the property is located within the 100-year floodplain. However, all buildings onsite are existing and renewal of the Conditional Use Permit involves no new construction. Therefore, no additional improvements or modifications to the site are required.

\*\*With approval of a Conditional Use Permit

Development Standards per the Light Industrial (LI) Zone

<u>Setbacks</u>	<u>Required</u>	<u>Existing Facility</u>
Front	15 ft.	≈ 30 ft.
Rear	0 ft.	≈ 375 ft.
Side	0 ft.	≈ 80 ft. (North) ≈ 80 ft. (South)
Height	60 ft.	22'-8" ft.

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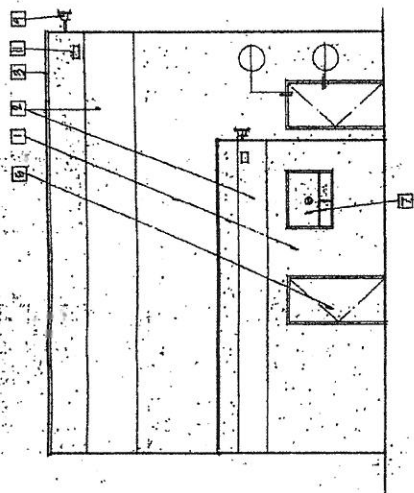




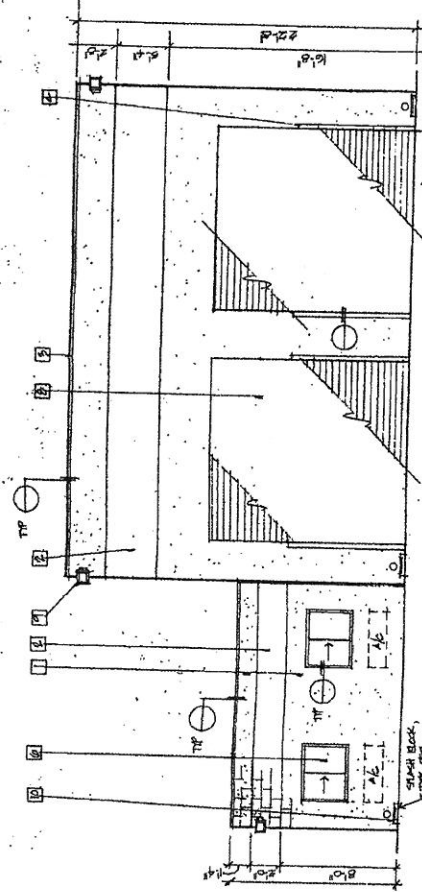
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ATTACHMENT F  
Project Plans

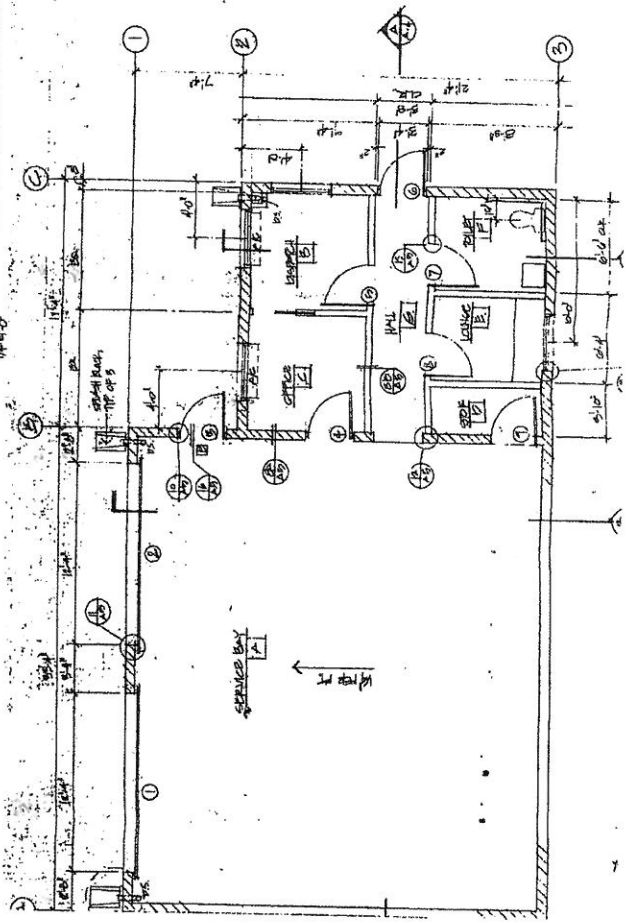
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SOUTH ELEVATION  
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EAST ELEVATION  
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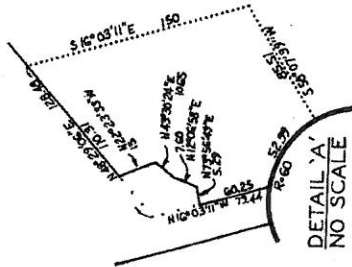
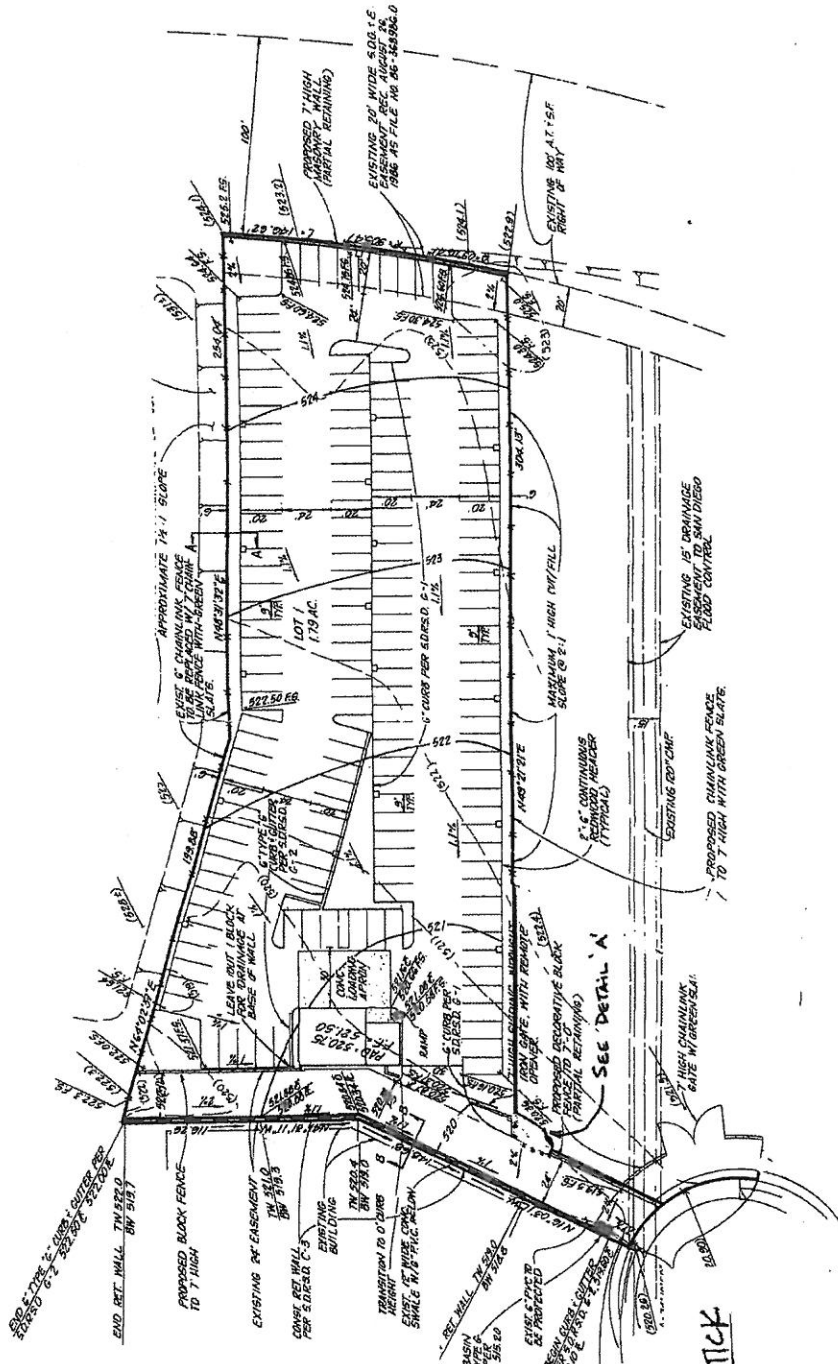


P15-0013 (CUP)  
Rancho Del Oro Towing  
196 BOSSSTIC BLVD

RECEIVED

FEB 25 2015

CITY OF SAN MARCOS  
PLANNING DIVISION



**BOSSICK**  
BLVD

**APN 217-560-46 # 47**  
**CUP 91-150 (RENEWAL)**  
**R.R. TOWING.**

**APPROVED**  
*San Diego* 9/2/05  
Per Certification of Approval  
Res. PC 05-3825



RESOLUTION PC 15-4491

A RESOLUTION OF THE SAN MARCOS PLANNING COMMISSION APPROVING A RENEWAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONTINUED OPERATION OF AN AUTOMOTIVE IMPOUND YARD WITH LIMITED AUTO AUCTIONS IN THE LIGHT INDUSTRIAL (LI) ZONE

CUP 15-001

(P15-0013)

Rancho Del Oro Towing

WHEREAS, on February 25, 2015, the City of San Marcos received a request from Rancho Del Oro Towing for a Conditional Use Permit renewal to allow for the continued operation of an automotive impound yard with limited auto auctions at 196 Bosstick Blvd. in the Light Industrial (LI) zone of the College Neighborhood, more particularly described as:

A portion of Lot 8 of County of San Diego Tract No. 4557, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 11661, filed in the Office of the County Recorder of San Diego County, on December 3, 1986. And a portion of the Southeast Quarter of the Northwest Quarter of Fractional Section 4, Township 12 South, Range 3 West, San Bernardino Meridian, in the City of San Marcos, of said County of San Diego, according to the Official Plat thereof

Assessor Parcel Numbers: 217-560-46-00 and 217-560-47-00.

WHEREAS, the Development Services Department did study said request and does recommend approval of the Conditional Use Permit renewal; and

WHEREAS, the required public hearing held on September 9, 2015 was duly advertised and held in the manner prescribed by law; and

WHEREAS, on April 6, 1992, Conditional Use Permit 91-150 was approved by the City of San Marcos Planning Commission (Resolution PC 92-2561) to allow for the operation of an automotive impound yard at 196 Bosstick Boulevard; and

WHEREAS, renewal of said Conditional Use Permit was approved by the San Marcos Planning Commission in 1997 (Resolution PC 97-2947); and

WHEREAS, in 1999, the San Marcos Planning Commission approved a Conditional Use Permit modification to allow for limited auto auctions in conjunction with the automotive impound yard use (Resolution PC 99-3196); and

WHEREAS, renewals of said Conditional Use Permit were approved in 2005 (Resolution PC 05-3825) and 2010 (Resolution PC 10-4171); and

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WHEREAS, although the site consists of two (2) San Diego County Tax Assessor's Parcels, the project site is recognized as one (1) legal parcel per a Certificate of Compliance issued in April, 1995; and

WHEREAS, a Mitigated Negative Declaration (ND 99-515) was prepared for CUP 91-150 (1999 Renewal) in accordance with the California Environmental Quality Act (CEQA) and Chapter 18.04 of the San Marcos Municipal Code; and

WHEREAS, the current use being renewed is the same project approved under Negative Declaration (ND) 99-515, thereby warranting no additional environmental review and there are no expansions to this existing facility, the Conditional Use Permit will continue to operate under ND 99-515; and

WHEREAS, the subject property has been annexed to Community Facility District (CFD) 98-02: Lighting, Landscape and Street Maintenance, CFD 98-01: Police Only, and CFD 2001-01: Fire and Paramedic; and

WHEREAS, the project has been in operation prior to the formation of Congestion Management CFD 2011-01 and CUP 15-001 proposes no expansion or intensification that would require its annexation at this time; and

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

1. The granting of the Conditional Use Permit renewal, as conditioned, will not result in detrimental impacts to adjacent properties or the character and function of the neighborhood in that the facility complies with the setback, height and landscape requirements of the Light Industrial (LI) zone; the facility will operate under performance standards that will ensure that the use does not become a public nuisance; and, the facility complies with all relevant provisions of the California Building Code and California Fire Code. Furthermore, a site inspection conducted by City Staff has determined that the facility is operating in compliance with all conditions of approval.
2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan and the purpose and intent of the Light Industrial (LI) Zone in that the operation of an automotive impound facility with limited auto auctions helps to promote a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community (Goal LU-1) and helps to maintain a supportive business climate and a healthy, sustainable economy creating additional employment opportunities (Goal LU-6).

3. The land use allowed in conjunction with the Conditional Use Permit renewal is compatible with the existing and future land uses of the Light Industrial (LI) Zone and the general area in which the proposed use is to be located.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Conditional Use Permit renewal is approved per the submitted site and floor plans and shall not be expanded unless a modification to this permit is approved.
- C. The Conditional Use Permit is approved subject to compliance with the following conditions:
  1. During operation of the facility, the following conditions must be complied with:
    - a. All automobiles must be parked on-site at all times within delineated parking spaces.
    - b. The site must be kept in a neat and orderly manner. All landscape areas must be kept in a healthy thriving manner free of weeds, trash and debris to ensure adequate screening of the facility to adjacent properties.
    - c. All vehicles must be loaded and unloaded on-site. The Bosstick Blvd. cul-de-sac or public road right-of-way shall not be used for loading/unloading automobiles nor for temporary storage of impounded vehicles, auctioned vehicles, or tow trucks.
    - d. The wrought iron security fence, gate, and opaque screening at the entrance of the facility must be maintained in a clean, neat, and well-functioning manner.
    - e. Opaque screening and screen slats on all security fences surrounding the property must be maintained in clean, neat, and good working order free of holes, cracks, and graffiti to adequately screen all vehicles being stored onsite.
    - f. All buildings and walls must be kept free of graffiti. All building and wall paint must be properly maintained.
    - g. The existing seven (7) foot solid masonry wall along the southern and northeastern property lines must be maintained and treated with an anti-graffiti substance.



- h. The dismantling of wrecked or otherwise inoperable vehicles is prohibited on site.
- i. The service bays within the building must be exclusively used by tow service operators for the sole purpose of cleaning, detailing, and performing minor preventive maintenance. No major auto repair work is permitted.
- j. Automotive repair of impounded vehicles is strictly prohibited onsite.
- k. All exterior lighting must be shielded and directed downward. Use of the lowest wattage and highest energy efficiency available is required.
- l. The maximum duration for any vehicle to remain within the impound yard is three (3) working days without posting a notice of Intent to Sell. With posting a notice of "Intent to Sell," no vehicle shall be on-site past the first Friday after the vehicle has cleared the lien date as established by DMV (30-45 days).
- m. The applicant must implement Best Management Practices (BMPs) to prevent the contamination of stormwater runoff. These BMPs include, but are not limited to the following:
  - 1. All discharges to the storm drain system, street, curb, and gutter are prohibited.
  - 2. All new employees must receive Best Management Practices (BMP) Training. Employees must be trained annually on BMPs and training records shall be kept on site and available for review by City Inspectors or Code Enforcement Officers (Best Management Practices can be found at <http://www.cabmphandbooks.com>).
  - 3. Any work performed on tow trucks on-site must be conducted inside of the service bays to prevent the contamination of stormwater runoff.
  - 4. Storage areas, parking lots and other areas which drain to the City's stormwater drainage system shall be cleaned using only dry methods (e.g. shop vacuum, broom, etc.).
  - 5. A spill kit shall be onsite at all times. All spills must be reported immediately to the City Storm Water Hotline (760) 481-3878. The hotline number shall be posted in a prominent location in the business. All spill emergencies shall be reported by calling 911.

6. A record of whether this business is required to file coverage under the General Industrial Permit or qualifies for a Notice of Non-Applicability – No Exposure Certification (NONEC) form. NONEC shall be kept onsite at all times and available for a City inspector or code enforcement officer.
  7. The operator must provide evidence of coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities at all times.
- n. Use of a local car wash facility connected to a clarifier and sewer is highly recommended for the washing of vehicles to be auctioned. The washing of vehicles to be auctioned on-site is prohibited unless Best Management Practices (BMPs) are incorporated to prevent illicit discharges into the City storm drain system. At a minimum, the following BMPs are required:
1. All downstream drains must be sealed prior to the start of vehicle washing activities to prevent the flow of water into the storm drain system.
  2. Create a system that retains waste water from vehicle washing activities and utilize a recapture device to collect and properly dispose of waste water (e.g. use of a wet/dry vacuum or a proprietary wash area device).
  3. All excess waste water runoff must be directed into landscape areas.
  4. Use of low flow washing devices to minimize the volume of water used in vehicle washing activities must be conducted.
  5. Dispose of "bucket water" into landscaped areas (with no landscape drains to storm drain facilities) or dispose of water into the sanitary sewer system.
  6. Prior to washing any vehicle onsite, all BMPs must be reviewed, approved, and inspected by the Stormwater Manager. Questions about vehicle washing BMPs can be directed to the City of San Marcos Stormwater Program Management Division at (760) 744-1050 extension 3217.
- o. Sale of vehicles shall be limited to auctions held every Friday afternoon on site. Auctions shall not exceed 1-1/2 hours and shall be conducted in daylight hours only. In no event shall an auction be conducted beyond 6:00 P.M.

- p. The number of vehicles to be auctioned is limited to the number of vehicles being stored onsite. No vehicles shall be transported to the site for auction.
  - q. The use of an amplified sound (i.e. P.A.) system is permitted during auctions; however the speakers shall be directed towards the south, away from the existing and/or any future residential dwelling units nearby and in conformance with Chapter 10.24 of the City of San Marcos Municipal Code. If the Planning Division Manager receives complaints regarding the use of amplified sound equipment from auctions, corrective action will be required. Corrective action may include the prohibition of amplified sound equipment use on-site during auctions.
- 2. Any new construction, alteration, improvement, or modification to the existing building requires the issuance of a building permit and compliance with the minimum code requirements of the latest adopted California Building Code. The Planning Division must review and determine if the proposed modification complies with all conditions of approval herein.
- 3. Prior to the issuance of any building permit, the following conditions must be complied with:
  - a. Buildings and structures must be designed to conform to the latest standards adopted by the State of California in the California Building Code, Part 2, Title 24, and California Code of Regulations.
  - b. The storage, use or handling of hazardous, toxic or flammable materials must be clearly indicated on all floor plans submitted for a building permit. Materials must be identified in accordance with Health and Safety code section 25101.
  - c. Building plans and instruments of service submitted with a building permit application must be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
  - d. The proposed project must comply with the latest adopted California Green Building Code regulations.
  - e. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures must be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.



- f. The proposed project must comply with Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
  - g. Sewer and water utilities must be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.
  - h. Tenants are required to obtain written permission from the building owner, or owner's agent, prior to obtaining a building permit from the city. Per San Marcos Municipal Code Chapter 17.08.030 Section 105.10, the tenant must obtain written permission from the building or property owner that the applicant is authorized to proceed with the proposed construction.
- 4. During construction, the following condition must be complied with:
  - a. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the city of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
  - b. During construction the owner/developer/contractor must implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
  - c. Dust and dust producing materials must be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative must be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
- 5. Prior to occupancy (following issuance of a building permit), the following condition must be complied with:

- a. The proposed development must satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor must obtain approval from all City Departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval must be satisfied prior to requesting the first occupancy in the phase.
6. Building address must be clearly labeled for day and night-time emergency responses. In addition, adequate lighting must be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
7. The Planning Division may, but is not obligated to, inspect the premises annually to ensure compliance with all conditions of the use permit approval. If the Planning Division determines that compliance is not being achieved, then a public hearing shall be scheduled for possible use permit modification or revocation.
8. This Conditional Use Permit expires September 9, 2025. Any request for permit extension must be applied for by the permittee no later than one-hundred twenty (120) days prior to the expiration date.
9. Any future expansion of the facility requires a modification to the Conditional Use Permit. An application for Conditional Use Permit modification must be submitted for review and approval by the Development Services Department.
10. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.

11. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos of California, at a regular meeting thereof, this 9th day of September 2015 by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

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Eric Flodine, Chairperson  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION