

# AGENDA REPORT

## Meeting of the San Marcos Planning Commission

**MEETING DATE:** October 17, 2016  
**SUBJECT:** KRC Rock Natural Stone and Boulder Supply Outdoor Storage on  
Adjacent Property  
**CASE:** P16-0020; CUP 16-003 (Address: 790 N. Twin Oaks Valley Road)  
Assessor Parcel Number: 218-110-12-00

### Recommendation

Adopt Resolution Number PC 16-4567 approving Conditional Use Permit (CUP) with minor amendments for the operation of a building materials storage yard, KRC Rock Natural Stone and Boulder Supply, on 0.72 acres of a 4.42 acre property, and find the project Categorically Exempt (EX 16-035) pursuant to Section 15301 of the California Code of Regulations (CCR), in that the project involves no expansion to the continued use of the Subject site for outdoor storage.

### Background

KRC Rock Natural Stone and Boulder Supply (KRC) is a landscape and building materials storage & sales yard operation which is located on a 4.48 acre property at the northwest corner of Twin Oaks Valley Road and Borden Road (Attachment "A"). This operation was approved by the Planning Commission (Resolution PC 01-3320) in 2001 through Conditional Use Permit CUP 00-477. The on-site operations are conducted as approved by CUP 00-477. There is no expiration date placed on CUP 00-477. Ingress/egress to the site is provided from Twin Oaks Valley Road and Borden Road.

In 2011 the KRC operations expanded on an adjacent parcel (APN 218-110-12-00) located immediately to the north of the main KRC operation referred to herein as the "Subject site." The Subject site consists of an older industrial park containing five (5) industrial buildings, an outdoor storage yard, a paved parking lot, and an unpaved parking lot located on the northeast corner of the property that serves multiple tenants. KRC occupies an unpaved portion of the rear of the property (west side). The expansion of KRC outdoor storage operations on the Subject site was approved per CUP 00-477 (10M) on June 6, 2011 by the Planning Commission (Resolution PC 11-4233). CUP 00-477 (10M) permitted the conditional operation of outdoor storage of building and landscape materials on one acre of the subject site. The outdoor storage yard served as an operational expansion to the primary KRC Rock site and allowed truck egress onto Windy Way. After approval of CUP 00-477 (10M), residents of the Chesapeake Community, located to the north of the expanded storage yard,

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expressed concerns regarding operational noise and truck traffic on Windy Way. In response, the operator worked with the City to address resident concerns by implementing a Truck Management Plan and restricting loading/unloading operational hours (no bulk material over three inches shall be loaded/unloaded from delivery trucks before 8:00a.m. Monday through Saturday, truck loading/unloading and internal site rock movement activities shall occur from 8:00a.m. to 5:00 p.m. on Saturday, and no operations will occur on Sundays) as required in conditions contained in CUP 00-477 (10M). CUP 00-477 (10M) expired on June 6, 2016. The subject application is a request to renew and modify this CUP.

### **Introduction**

A Citywide update to the Zoning Ordinance and Zoning designations changed the Subject site's zone from Industrial "I" to Industrial/Specific Plan "I/I (SP)" zone in 2012. The new transitional zone promotes the transition of existing developed industrial uses to future planned uses. Until which time the Subject site transitions to a Specific Plan via voluntary redevelopment, the Industrial use standards outlined in the San Marcos Municipal Code Chapter 20.230 continue to apply to the Subject site. The continued operation of a Building Material Storage & Sales Yard in the Industrial (I) zone by KRC Rock requires a Conditional Use Permit.

KRC Rock and the Subject site are adjacent to primarily industrial, light industrial, and residential uses ("Chesapeake Community") located to the north and northwest of the Subject site. The Subject site consists of an older industrial park with an outdoor storage yard, a paved parking lot, and an unpaved parking lot located on the northeast corner of the property. There is an elevation change from the entrance of the Chesapeake Community to the Subject site, thus creating a line of sight at the entryway to the Chesapeake Community to the Subject site. The outdoor storage yard located at the rear of the property is screened with an existing six foot high chain link fence with slats and landscaping planted on the northwest edge of the property and along the Windy Way frontage.

### **Discussion**

The CUP requests the continuation of the previously approved CUP 00-477 (10M) with a modification to reduce the use area from one (1) to 0.72 acres on the 4.42 acre Subject site, and removal of the Windy Way egress identified on the truck management site plan for the previously approval CUP. The previously approved CUP lease area extended to the property line fronting Windy Way. The proposed 0.72 acre lease area will no longer be fronting the property line, and the storage area will be stepped 135 feet from the Windy Way frontage, thereby providing an improved screening of the KRC outdoor storage from onsite. As demonstrated on the revised Truck Management Plan (Attachment D) egress to the Subject site will no longer occur at Windy Way. The onsite circulation is consistent with the original CUP (CUP) 00-477 approval for the KRC Rock operation.



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The project is conditioned to address any potential environmental operational impacts from the Subject site to nearby residential uses. Specifically, noise will be addressed through the loading/unloading hours of operation (activities shall occur from 8:00a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 2:30 p.m. on Saturdays; no truck and loading/unloading shall occur on Sundays), air quality will be addressed through dust control measures (watering down bulk loads three times a day and street sweeping twice a day), and aesthetic impacts are addressed through maintaining previously installed fencing and landscaping.

#### **Environmental Review**

In accordance with the California Environmental Quality Act (CEQA), staff recommends that the Planning Commission find the project Categorically Exempt (EX 16-035) pursuant to Section 15301 of the California Code of Regulations (CCR), in that the project involves no expansion to the continued use of the Subject site for outdoor storage by the KRC Rock operation.

#### **Public Comment**

A notice of application for the project was mailed to all residents and property owners within a 500 foot radius of the project site. An additional notice was subsequently mailed to residents about the hearing and a legal advertise for the hearing was published in "The Paper". No public comment was received by the City as a result of either of the notices circulated for the project.

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

- Resolution (1): CUP – Resolution PC 16-4567
- A – Aerial Vicinity Map
- B – Site & Project Characteristics
- C – Requested Entitlement
- D – Revised Truck Management Plan/Site Plan (CUP 16-003)
- E – Revised Truck Management Plan Text

Prepared by:

Susan Vandrew Rodriguez, Associate Planner

Reviewed and Approved by:

Karen Brindley, Planning Division Manager

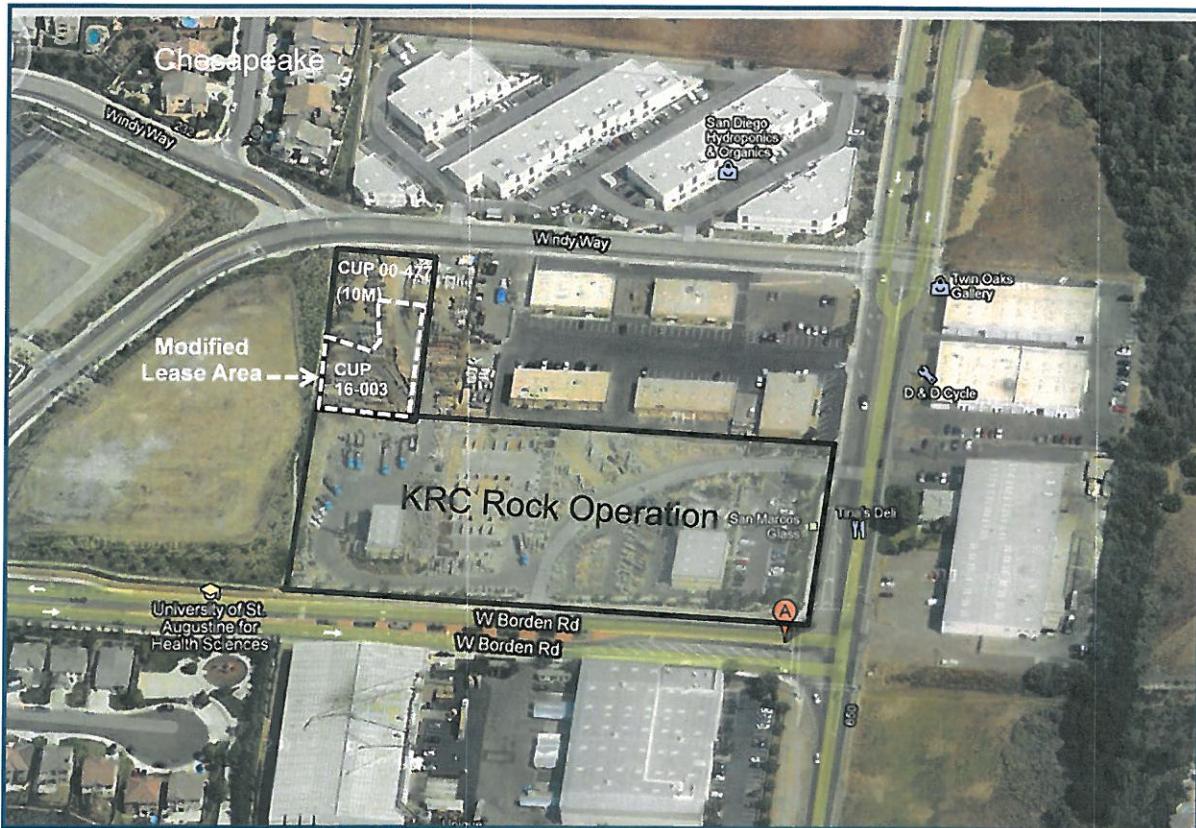
Submitted by:

Matt Little, Deputy City Manager



## ATTACHMENT A

### Aerial Vicinity Map





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## ATTACHMENT B

### Site & Project Characteristics

<u>Property</u>	<u>Existing</u>	<u>Zoning</u>	<u>General Plan</u>
<u>Subject</u>	<u>Land use</u>		<u>Designation</u>
Subject	Industrial Complex	Industrial (I) /I (SP)	SPA Industrial
North	Light Industrial Complex	SPA	SPA
South	KRC Rock Main Operation	Light Industrial (LI)	Light Industrial
East	Industrial Complex	Industrial/Commercial (I/C)	Commercial
West*	Vacant (Future St. Augustine Phase 2)	Light Industrial (LI)	Light Industrial

SP: Specific Plan

SPA: Specific Plan Area

Flood Damage Prevention Overlay Zone	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Airport Overlay Zone	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Sewers	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Septic	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Water	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Gen. Plan Conformance <sup>1</sup>	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Land Use Compatibility	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

<sup>1</sup>With CUP approval.



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## ATTACHMENT C

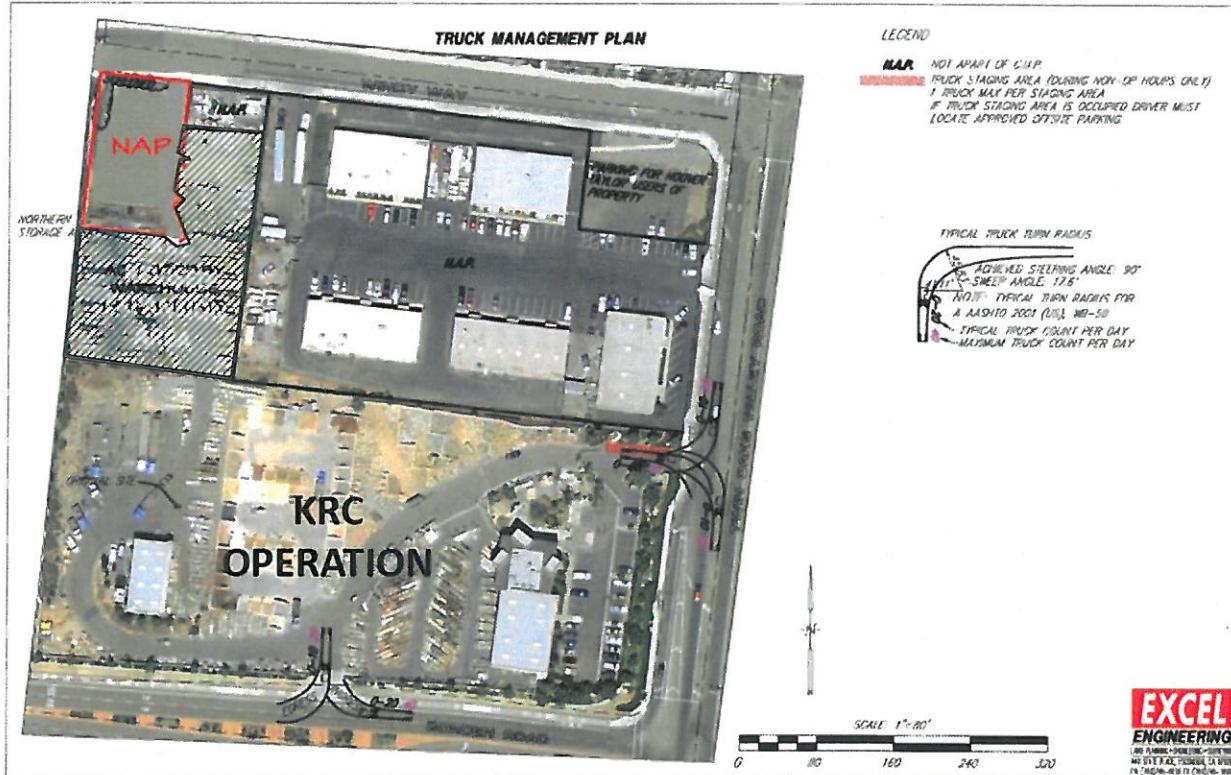
### Requested Entitlement

A Conditional Use Permit (CUP) with minor amendments for the operation of a building materials storage yard (KRC Rock operation) on 0.72 acres of a 4.42 acre property, and a CEQA determination that the project is Categorically Exempt (EX 16-035) pursuant to Section 15301 of the California Code of Regulations (CCR), in that the project involves no expansion to the continued use of the Subject site for outdoor storage by the KRC Rock operation.



## ATTACHMENT D

### Revised Truck Management Plan/Site Plan (CUP 16-003)





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## ATTACHMENT E

### Revised Truck Management Plan Text

#### KRC ROCK TRUCK MANAGEMENT PLAN

KRC Rock Inc will use the following operational standards for all deliveries to and from the KRC Rock site and adjacent rented property. This will serve as the Truck Management Plan to ensure safe, orderly and timely delivery of all materials and goods to and from said properties. This plan shall be enforced by the company manager and clearly states the approved routes for traffic and hours of operation. The attached Exhibit outlines approved ingress and egress points for all deliveries.

- I. Deliveries shall be scheduled between the hours of 7:00 a.m. and 5:00 p.m. Monday thru Friday and 8:00a.m.-2:30p.m. on Saturday. On Saturdays only, no boulders or bulk materials can be dropped, moved or placed before 8:00 am. No deliveries shall be scheduled on Sundays.
- II. All truck deliveries are to enter KRC Rock from either Borden Road or Twin Oaks Valley Road.
- III. All dispatchers will inform both KRC Rock drivers and, whenever possible, vendor related drivers of the operational standards detailed in the Truck Management Plan for non KRC drivers, i.e., vendors, all dispatchers will take extra care in identifying the address for new drivers and explaining the operational policies.
- IV. Dispatchers shall prevent KRC Rock vendor delivery truck drivers from parking on Windy Way at any time. A staging area at the Twin Oaks Valley Road entrance will be available for non- KRC Rock trucks arriving during closed hours.
- V. All drivers will adhere to the truck circulation identified in the Exhibit.
- VI. All drivers will do their best to operate in a courteous manner to pedestrians, vehicles and surrounding neighbors.
- VII. All bulk aggregate deliveries will exit at either Twin Oaks Valley Road or Borden Road.

The under signed hereby acknowledges that they have read and understand the aforementioned operational policies set forth in this document. KRC Rock drivers found to be in violation of this traffic management plan shall be subject to disciplinary action.

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KRC Site Manager

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Delivery Personnel

RESOLUTION PC 16-4567

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (CUP) TO ALLOW THE CONTINUED USE OF A PORTION (0.72 ACRES) OF THE SUBJECT PROPERTY (4.42 ACRES) FOR OUTDOOR STORAGE OF LANDSCAPE AND BUILDNG MATERIALS WITHIN THE TRANSITIONAL INDUSTRIAL/INDUSTRIAL SPECIFIC PLAN ZONE (I/I (SP)) LOCATED IN THE RICHMAR NEIGHBORHOOD

P16-0020  
CUP 16-003  
KRC ROCK

WHEREAS, on May 10, 2016, an application was received from Tim Josse of KRC Rock, the applicant, requesting the renewal and modification of Conditional Use Permit CUP 00-477 (10M) to allow the continued use of outdoor storage for KRC Rock on 0.72 acres of a 4.42 acre adjacent property ("Subject site") within the Industrial Zone/Industrial Specific Plan Transitional Zone. The Subject site is located at 790 N. Twin Oaks Valley Road, in the Richmar Neighborhood, on the northwest corner of Twin Oaks Valley Road and Borden Road more particularly described as:

A portion of Lot 3, Block 49 of the Los Vallecitos de San Marcos Map 806 and PAR A of PM 19038  
Assessor's Parcel Number: 218-110-12.

WHEREAS, KRC Rock, the applicant, operates a wholesale/retail operation of a Building Material Storage & Sales Yard on a 4.48 acre site in the Light Industrial Zone at 700 N. Twin Oaks Valley Road (Assessor Parcel Number 218-110-23) in accordance with Conditional Use Permit CUP 00-477 approved on February 5, 2001 per Resolution PC 01-3320; and

WHEREAS, all conditions set forth in Resolution PC 01-3320 applicable to the KRC operation located on Assessor Parcel Number 218-110-23 (previous Assessor Parcel Numbers: 218-110-08 & 218-110-18) shall remain in full force and effect; and

WHEREAS, on June 6, 2011, the Planning Commission approved Resolution 11-4233 (CUP 00-477 (10M)) to permit the expansion of the KRC Rock operation on one acre of the 4.42 Subject site in the Industrial Zone for the purpose of expanding outdoor storage and internal circulation, including an egress on Windy Way from Assessor Parcel Number 218-110-12; and

WHEREAS, on June 6, 2016, CUP 00-477 (10M) expired; and

WHEREAS, the site plan and application submitted on May 10, 2016, requests a CUP renewal and minor modification to reduce the outdoor storage use area on Assessor Parcel Number 218-110-12 from one (1) to 0.72 acre and remove the use of the egress on Windy Way; and

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WHEREAS, the City Council approved a Zoning Map and Ordinance update on December 13, 2012, that changed the Zoning on the Subject site from Industrial (I) to Industrial/Industrial Specific Plan (I/I (SP)) transitional zone; and

WHEREAS, the Conditional Use Permit is required in the I/I SP transitional zone to allow the continued use of the Subject site for outdoor storage; and

WHEREAS, the Development Services Department did study said request and does recommend approval of the renewal of the CUP and minor modifications for use of the Subject site for outdoor storage; and

WHEREAS, the required public hearing held on October 3, 2016 was duly advertised and continued to October 17, 2016, in the manner prescribed by law; and

WHEREAS, the project has been in operation prior to the formation of Congestion Management CFD 2011-01 and CUP 16-003 proposes no expansion or intensification that would require its annexation at this time; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the City of San Marcos finds the project Categorically Exempt (EX 16-035) pursuant to Section 15301 Class 1 of the California Code of Regulations (CCR), in that this is an existing facility with no proposed expansion; and

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

1. The granting of the Conditional Use Permit will not result in detrimental impacts to adjacent properties or the character and function of the neighborhood in that the operational hours will continue to occur from 7:00a.m. to 5:00 p.m, Monday through Friday, and 8:00 a.m. to 2:30 p.m. on Saturday, with loading and unloading activity being conducted no earlier than 8:00a.m. Outdoor storage of materials will be screened by fencing with opaque material.
2. The design, development, and conditions associated with the granting of the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan and the purpose and intent of the applicable Zone in that the CUP is conditioned to adhere to Noise Ordinance regulations and dust control measures.
3. Adherence to operational parameters set forth in the Truck Management Plan for delivery operations to the site will also serve to provide compatibility with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is located. The applicant/operator shall sign the Truck Management Plan and return to the City within 30 days of approval of the Conditional Use Permit.

NOW THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Conditional Use Permit is approved per the submitted site plan dated May 10, 2016 for the existing 4.4 acre KRC Rock site (Assessor Parcel Number 218-110-23) and the 0.72 acre lease area (Subject site) on the 4.1 acre adjacent property (Assessor Parcel Number 218-110-12), and shall not be expanded unless a modification to this permit is approved.
- C. The Planning Commission approves Categorical Exemption (EX 16-035) for the proposed renewal and modification to allow the continued use of the KRC operation on the 0.72 acre Subject site for the purpose of outdoor storage.
- D. The Planning Commission approves the proposed project site plan subject to the following conditions:
  1. Reliance on this Conditional Use Permit is subject to the following conditions:
    - a. KRC Rock and the Subject site shall be operated in accordance with the approved Truck Management Plan (TMP).
    - b. Maintain fencing to delineate the 0.72 acre KRC Rock lease area on the 4.42 acre parcel (Assessor Parcel Number 218-110-12) from the remainder of the Subject site.
    - c. The applicant shall pay an in-lieu fee payment in the amount of \$4,000.00 to mitigate impacts to Police, Fire, and Paramedic services resulting from use by the KRC operation of an outdoor storage yard on one acre of Subject site from June 6, 2011 through June 16, 2016.
    - d. The applicant shall mitigate for impacts on City services related to emergency response, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the 0.72 acre project lease area of real property on Assessor Parcel Number 218-110-12 into the following Community facilities Districts (CFD):
      - 1) CFD 98-01 IA #1 - Police Only
      - 2) CFD 2001-01 – Fire and Paramedic

No permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation, the applicant may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. In-lieu fees are as follows:

- 1) CFD 98-01 IA #1: \$6,745.26 (\$674.53 per year)
- 2) CFD 2001-01: \$6,235.31 (\$623.53 per year)

All in-lieu fees will cover the 10-year term of Conditional Use Permit 16-003 (P16-0020). Any renewal or modification to the current Conditional Use Permit will require payment of additional in-lieu fees.

The applicant is responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

2. The following operational standards, including applicable conditions as outlined in CUP 00-477 (Resolution 01-3320), shall apply to the KRC Rock operation, including the Subject site area:
  - a. The Truck Management Plan shall be enforced by the company manager and shall clearly state the proper routes for traffic as well as informing distributors of the hours of operation and the gate use procedures. No delivery trucks shall be staged on public streets before or after hours of business.
  - b. No material shall be stacked where it is visible from off-site and material in storage bins shall not exceed height of the perimeter screen fence. The Planning Manager may require the addition of measuring gauges at a future date, if deemed necessary.
  - c. Bagging of materials may occur outdoors and said materials shall be moistened with water to reduce impacts of dust during the KRC Rock operational hours.
  - d. KRC Rock shall maintain the display area as shown on the approved site plan.

- e. The following outdoor activities such as (1) placement of rock into various storage bins, (2) retrieval of stored material for sale, (3) dumping of rock into delivery trucks or into hopper for bagging operation, and (4) movement of a loader, forklift, delivery and distribution trucks around property shall not begin prior to 8:00 a.m., and shall cease prior to 5:00 p.m. Monday through Friday and 8:00 a.m. to 2:30 p.m. on Saturdays. Operations are prohibited on Sundays. All truck deliveries traveling westbound on Borden Road shall not leave this site prior to 7:00 a.m. Monday through Friday and 8:00 a.m. on Saturdays.
- f. Rock crushing is prohibited on this site.
- g. The Truck Management Plan (TMP) shall be implemented and comply with all conditions contained herein. The Final TMP and signed agreements for its use shall be maintained on site and available for review by the Engineering and Planning Division Managers upon request.
- h. Ingress/Egress to Windy Way or Twin Oaks Valley Road through the Subject site is prohibited.

3. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
4. Use of the site shall be conducted so as not to become obnoxious by reason of parking impacts, noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
5. 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.
6. 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.
7. The Subject site shall not be subleased by the applicant during the term of CUP 16-003.

8. Any future expansion of the KRC Rock operation shall require a modification to CUP 16-003.
9. This Conditional Use Permit modification for Parcel Number 218-110-12 (Subject site), as conditioned herein, shall have a term of ten (10) years from approval of this permit, ending on October 17, 2026. The term of the KRC operation on Assessor Parcel Number 218-110-23 shall remain in force as approved in Resolution PC 01-3320 (no expiration date). Any request for permit extension shall be applied for by the permittee no later than one hundred and twenty (120) days prior to the expiration date.
10. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution, or the approved use ceases to operate at the subject property for a period more than twelve (12) months.
11. To the extent permitted by law, the Developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or 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 Developer 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. Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by 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, State of California, at a regular meeting thereof, this 17th day of October 2016, by the following electronic vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Planning Secretary  
SAN MARCOS CITY PLANNING COMMISSION