

# STAFF REPORT

## PLANNING COMMISSION MEETING

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**MEETING DATE:** July 6, 2020  
**SUBJECT:** Bradley Family Trust  
**CASE NUMBER:** CUP18-0002/EX20-070  
**APN:** 220-220-58-00

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### **Recommendation**

Adopt a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA), Section 15301 Class 1 (Existing Facilities with No Expansion) and approve a Conditional Use Permit to allow the continued operation of a portable restroom rental facility and recreational vehicle (RV) storage facility.

### **Background**

- On October 1, 2001, the San Marcos Planning Commission approved Conditional Use Permit (CUP) 00-459 to allow the construction of a portable restroom rental facility consisting of a fleet maintenance and repair building, a portable restroom wash bay, administrative offices, an outdoor truck washing area, and fuel dispensing facility for fleet trucks at 807 East Mission Road in the Heavy Industrial (I-2) zone and Design Overlay Zone.
- On July 7, 2003, the San Marcos Planning Commission approved a modification to CUP 00-459 and Design Zone Permit (DZ) 03-28 to allow the consolidation of two (2) parcels and to allow the construction of an adjoining 20,000 square foot structure to be utilized for the storage and sales of building and roofing materials, and relocate the originally approved fuel dispensing area.
- On October 18, 2007, the 20,000 square foot adjoining structure originally approved for the storage of building and roofing materials (as part of the 2003 CUP modification) was approved by the City to allow for storage of recreational vehicles (RVs) and boats.
- On July 7, 2008, CUP00-459 (03M) expired but the site continued to be utilized as a portable restroom rental facility and recreational vehicle (RV) storage facility. Because the CUP has expired, approval of a new CUP is required. No changes to the scope of onsite uses are occurring however the applicant has requested as part of the CUP renewal to expand the use of the well located on the property. Please see Environmental Review section of this report for discussion of the onsite well.
- Since the project was originally approved, the portable restroom rental facility has been operated by Diamond Environmental and the RV and boat storage facility has been operated by Liberty RV & Boat Storage.

## Discussion

The applicant, Bradley Family Rentals, is requesting approval of a Conditional Use Permit to allow for the continued operation of a portable restroom rental facility and recreational vehicle (RV) storage facility at 805 and 807 East Mission Road in the Heavy Industrial (I-2) zone. Currently, the portable restroom rental facility is operated by Diamond Environmental and the RV storage facility is operated by Liberty RV and Boat Storage. Both entities are owned by Eric DeJong of Bradley Family Rentals. The project site is 6.15 acres in size and consists of a 52,867 square foot building containing a 15,715 square foot maintenance and repair shop for Diamond Environmental fleet trucks and portable restrooms; 6,313 square feet of shared office space; 4,625 square feet of equipment storage space, and a recreational vehicle (RV) and boat storage facility operated by Liberty RV and Boat Storage consisting of 21,000 square feet of indoor storage space and 1.11 acres of outdoor storage space. Surrounding land uses to the project site include Mission Hills High School to the north, an outdoor contractor storage facility to the east, the sprinter rail line and rail trail to the south, and an industrial building to the west. The outer perimeter of the site consists of a 15 foot wide landscape buffer and 6 foot tall decorative screen wall along the north end of the property adjacent to Mission Road; an 8 foot tall masonry wall along the south end of the property; a 15 foot wide landscape buffer along the west end of the property, and a shared access easement with a construction contractor storage yard at the east end of the property. No physical changes to the site are being proposed.

The subject site is currently zoned Heavy Industrial (I-2). However, at the time the original CUP (CUP 00-459) was approved and subsequently modified in 2003 (CUP 00-459 (03R)), the project site was zoned Heavy Industrial (I-2) and Design Overlay (DZ) zone. Due to the I-2 and DZ zoning designations for the site in 2000 and 2003, the project required approval of both a Conditional Use Permit and Design Zone permit. In 2012, the City of San Marcos updated its General Plan, Zoning Ordinance, and Zoning Map which changed the zoning designation of the site to Heavy Industrial (I-2) and eliminated the Design Zone (DZ) designation. Therefore, a design Zone Permit is no longer required and the project currently only requires approval of a Conditional Use Permit.

During a site visit by City staff, it was observed that the site was kept in a clean, neat, and orderly manner. All required outdoor storage screening walls and fences were in good condition and landscaping along the perimeter of the site was kept in a healthy, live, and well manicured condition. No obnoxious odors were observed and all outdoor storage was well screened from Mission Road. And finally, no parking issues were observed at the site. In order to continue the well kept conditions of the site, conditions have been included in the CUP to ensure the orderly operation of the facility in a manner that continues to be least impactful to other properties in the area such as requiring all landscaping onsite to be maintained in a healthy, live and green condition; and, requiring all outdoor storage to occur in the permitted outdoor storage areas per the approved site plan.

## **Conclusion**

In conclusion, staff recommends approval of the Conditional Use Permit to allow for continued business operations. With exception to allowing the CUP to expire, the site is operating in compliance with all conditions of approval, is well kept in a clean, neat and orderly manner free of obnoxious odors, and has maintained all required approvals and permits from the Vallecitos Water District, County of San Diego Department of Environmental Health, Encina Water District, and the State of California. No Code Enforcement complaints have been received regarding operation of the business and no code violations have been observed by City staff. The facility is appropriate for the site and surrounding area which primarily consists of other heavy industrial users. The recommended Conditional Use Permit term is 10 years.

## **Public Comment**

No written or oral comments from the public were received regarding the proposed CUP.

## **Environmental Review**

As indicated, the applicant is requesting approval of the Conditional Use Permit with no changes to facility size or operations. However, the applicant is requesting to expand use of the existing water well onsite. Currently, water extracted from the well is being utilized for non-potable purposes for the cleaning of portable restroom facilities only and the applicant is now requesting to utilize the well water for potable drinking purposes for kitchen sinks, hand wash stations, and drinking water towers for large events and natural disasters that Diamond Environmental currently serves. Diamond Environmental currently supplies drinking water for natural disasters and large events but utilizes water from the onsite Vallecitos Water District (VWD) source. Therefore, utilizing well water for drinking purposes will not modify existing onsite operations and will not result in any new project related impacts or vehicle traffic. Utilizing well water for potable purposes will require approval from the County of San Diego and the State of California. To confirm expanded use of the well will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or lowering of the local groundwater table as asked in the Environmental Checklist Form in accordance with the California Environmental Quality Act (CEQA), a focused well water study was prepared by SCS Engineers dated June 2, 2020 (Attachment F). The study concluded that increased use of the well will not impact the underlying aquifer. Therefore, provided that the existing operations of the facility will not change and increased use of the well onsite has been found to have no impact on the aquifer, the project has been found to be Categorically Exempt per CEQA Section 15301, Class 1 (Existing Facility with No Expansion).

## **Attachment(s)**

Adopting Resolution:

Resolution No. PC 20-4884

A - Vicinity Map



**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

- B - Requested Entitlement
- C - Site & Project Characteristics
- D - Site Photos
- E - Site Plan
- F - Liberty Rock Well Study – June 2, 2020
- G – Resolution PC 2003-3667 (Previous Entitlement)

Prepared by:

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Art Piñon, Senior Planner

Reviewed by:

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Saima Qureshy, Principal Planner

Reviewed by:

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Stephanie Kellar, Principal Engineer

Submitted/Approved by:

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Joseph Farace, Planning Division Manager

RESOLUTION PC 20-4884

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONTINUED OPERATION OF A PORTABLE RESTROOM RENTAL FACILITY AND RECREATIONAL VEHICLE (RV) AND BOAT STORAGE FACILITY IN THE HEAVY INDUSTRIAL (I-2) ZONE OF THE RICHLAND NEIGHBORHOOD

CUP18-0002  
Bradley Family Rentals

WHEREAS, on January 29, 2018 an application was received from Bradley Family Rentals requesting approval of a Conditional Use Permit to allow the continued operation of a portable restroom rental facility operated by Diamond Environmental (DE) consisting of a 15,715 square foot maintenance and repair shop for DE fleet trucks and portable restrooms; 6,313 square feet of office space; 4,625 square feet of equipment storage space, and a recreational vehicle (RV) and boat storage facility operated by Liberty RV and Boat Storage consisting of 21,000 square feet of indoor storage space and 1.11 acres of outdoor storage space at 805 & 807 East Mission Road in the Heavy Industrial (I-2) Zone in the Richland Neighborhood, more particularly described as:

A portion of the Northwesterly Parcel of Record of Survey Map No. 16113; portions of Lots 1 and 2 in Block 54, and a portion of Lot 9 in Block 22, Map 806, PARCEL B: A portion of the two Northwesterly Parcels of Record of Survey Map No. 16113; a portion of Lot 1 in Block 54, and a portion of Lot 9 in Block 22, Map 806

Assessor's Parcel Number (APN): 220-220-58-00

WHEREAS, on October 1, 2001, the San Marcos Planning Commission approved Conditional Use Permit (CUP) 00-459 to allow the construction of a portable restroom rental facility with a fleet maintenance and repair area, a partially enclosed portable restroom wash facility, administrative offices, and an outdoor fleet truck washing and fuel dispensing facility at the project site; and

WHEREAS, on July 7, 2003, the San Marcos Planning Commission approved a modification to CUP 00-459 and a Design Zone Permit (DZ 03-28) to allow the consolidation of two (2) parcels and allow the construction of an adjoining 20,000 square foot building attached to the fleet maintenance structure to be utilized for the storage and sales of building and roofing materials and the relocation of the originally approved fuel dispensing area; and

WHEREAS, On October 18, 2007, the area originally approved for the indoor and outdoor storage of building and roofing materials was converted and approved by the City to allow for the storage of recreational vehicles (RVs) and boats; and

WHEREAS, the applicant is now requesting approval of a Conditional Use Permit with no changes to facility size or operations; and

WHEREAS, the General Plan land use and zoning designation for the project site was changed from Heavy Industrial (I-2) and Design Overlay Zone (DZ) to solely Heavy Industrial (I-2) by the City of San Marcos on February 14, 2012 and December 13, 2012, respectively as part of the City wide General Plan update; and

WHEREAS, the Development Services Department did study said request, and recommends approval of said request; and

WHEREAS, on July 6, 2020, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the Planning Commission did review and consider a Categorical Exemption (EX20-070) pursuant to the California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facility with No Expansion); and

WHEREAS, the subject property has been annexed into Community Facility District (CFD) 98-01: Improvement Area 1, Police Only; CFD 98-02: Lighting, Landscape and Street Maintenance; 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 CUP18-0002 proposes no expansion or intensification that would require its annexation at this time; and

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby approves this Conditional Use Permit per the submitted plans dated January 16, 2018 except as modified herein, and subject to compliance with the conditions of approval in Exhibit A attached hereto and incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. The mitigation measures in Mitigated Negative Declaration (ND) 03-670, which was adopted with the originally approved project (CUP 00-459 (03M)) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- D. The Planning Commission's decision is based on the following findings and determinations:
  1. Approval 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 City has not received any complaints regarding operation of the facility since originally constructed; all outdoor storage areas, including the onsite parking areas, are adequately screened from offsite locations by use of a decorative screen wall and well manicured landscaping consisting of shrubs and trees; the site is maintained in a clean, neat and orderly manner; operation of the facility is compatible with surrounding land uses which primarily consist of industrial and outdoor storage uses, the facility has maintained all required approvals from the County of San Diego, State of California, and Vallecitos Water District; the project site complies and has maintained all required Storm Water Best Management Practice requirements; and adequate parking is provided onsite to accommodate the use.

2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan for the Richland Neighborhood in that operation of the facility 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 is compatible with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is located in that all outdoor storage areas, including the onsite parking areas, are adequately screened from offsite locations by use of a decorative screen wall and well manicured landscaping consisting of shrubs and trees; the site has and will be maintained in a clean, neat and orderly manner; operation of the facility is compatible with surrounding land uses which primarily consist of industrial and outdoor storage uses; and adequate parking is provided onsite.
4. All requirements of CEQA have been met, in that the project has been found to be Categorically Exempt per CEQA Section 15301, Class 1 (Existing Facility with No Expansion). The applicant is requesting approval of the Conditional Use Permit with no changes to facility size or operations. However, the applicant is requesting to expand use of the existing water well onsite. Currently, well water is being utilized for non-potable purposes for the cleaning of portable restroom facilities only. The applicant is now requesting from the State of California to utilize the well water for potable drinking purposes for kitchen sinks, hand wash stations, and drinking water towers for large events and natural disasters that Diamond Environmental currently serves. Currently, Diamond Environmental provides this service but utilizes water from the municipal source (Vallecitos Water District). Therefore, utilizing well water for drinking purposes will not modify existing onsite operations and will not result in any new project related impacts or vehicle traffic. To confirm broadened use of the well will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would

be a net deficit in aquifer volume or lowering of the local groundwater table, a focused well water study was prepared by SCS Engineers dated January 2, 2020, which concluded that increased use of the well will not impact the aquifer. Therefore, provided that the existing operations of the facility will not change and increased use of the well onsite has been found to have no impact on the aquifer, the project has been found to be Categorically Exempt per CEQA Section 15301, Class 1 (Existing Facility with No Expansion).

- E. This Conditional Use Permit is Categorically Exempt (EX20-070) from environmental review pursuant to CEQA Section 15301, Class 1 (Existing Facility with No Expansion).
- F. 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.
- G. This Conditional Use Permit shall expire on July 6, 2030. Any request for permit extension shall be applied for by the permittee no later than 120 days prior to the expiration date.
- H. Any future expansion to the facility shall require a modification to this Conditional Use Permit. The Conditional Use Permit application must be submitted for review and approval by the Development Services Department prior to the issuance of any building permits.
- I. 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 after a cure period, then a public hearing must be scheduled for possible use permit modification and/or revocation, in accordance with Chapter 20.505 of the San Marcos Municipal Code (SMMC).
- J. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and procedures, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- K. 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, or equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- L. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, 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/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/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. The applicant/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, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 6th day of July, 2020, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman

ATTEST:

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Gina Henderson, Senior Office Specialist

**ATTACHMENT(S):**

EXHIBIT A – Conditions of Approval

**EXHIBIT A**  
**RESOLUTION PC NO. 20-4884**  
**CUP 18-0002**  
**Conditions of Approval**

A. Reliance on the Conditional Use Permit shall comply with the following operational standards:

1. The facility must continue to operate in compliance with all conditions as set forth in Resolution PC 03-3667 (CUP 00-459 (03M)) and hereby incorporated herein. This includes continued compliance with all mitigation measures in Mitigated Negative Declaration (ND 03-670).
2. This Conditional Use Permit authorizes the continued operation of a portable restroom rental facility operated by Diamond Environmental consisting of a 15,715 square foot maintenance and repair shop for fleet trucks and portable restrooms; 6,313 square feet of office space; 4,625 square feet of equipment storage space, and a recreational vehicle (RV) and boat storage facility operated by Liberty RV and Boat Storage consisting of 21,000 square feet of indoor storage space and 1.11 acres of outdoor storage space. Any other proposed land uses or expansion of land uses onsite requires a modification to this Conditional Use Permit.
3. Use of the existing well onsite must be operated in compliance with San Marcos Municipal Code 8.44. Use of the well water onsite shall be limited to potable onsite consumption/utilization, offsite consumption for purposes outlined in the Well Study prepared by SCS Engineers dated June 2, 2020, and for the cleaning of portable restroom facilities. Prior to utilization of the well for potable purposes, the applicant must obtain approval from the County of San Diego and State of California.
4. The applicant shall be responsible for compliance with all rules, regulations and requirements from the following agencies and shall maintain all necessary permits and approvals:
  - a) County of San Diego, Department of Environmental Health
  - b) County of San Diego Air Pollution Control District
  - c) Vallecitos Water District (VWD)
  - d) State of California Water Quality Control Board
  - e) Encina Wastewater Authority

5. The applicant/operator of the facility shall comply with all Regional Water Quality Control Board measures and regulations.
6. The applicant shall be responsible for the maintenance of enhanced odor control devices or other odor equipment as specified by the regulating agencies. If complaints are received regarding obnoxious odors from the facility, the applicant must take corrective action to resolve those complaints to the satisfaction of the Planning Division Manager and in compliance with San Marcos Municipal Code Chapter 10.48.
7. The outdoor storage of portable restrooms shall be limited to clean and sanitized portable restrooms. The outdoor storage of portable restrooms shall only occur east of the main building adjacent to the fleet vehicle parking area behind the existing screen wall as shown on the approved site plan, and south of the main building, out of view from Mission Road, as shown on the approved site plan.
8. The outdoor storage of recreational vehicles (RVs) and boats shall only occur at the west end of the property within the outdoor storage area for Liberty Storage specified on the approved site plan. RVs and boats shall not be visible from Mission Road.
9. Portable restrooms shall not be stacked or placed to be higher than the enclosing screen wall and or fencing.
10. Roof access to the buildings must be secured to keep potential burglars from gaining roof top access.
11. The building must be alarmed to safeguard interior equipment and property.
12. All lessee names and contact phone numbers shall be clearly posted in the interior of the business for emergency contact.
13. Subleasing of the outdoor storage yard to other users is prohibited.
14. Trash enclosures shall be locked during non-business hours to prevent illegal dumping.
15. The hours of operation for both Diamond Environmental and Liberty Storage shall be Monday through Saturday from 5:00 am to 6:00 pm for exterior operations (bay doors open). Work may be conducted indoors (bay doors closed) at any other time. No outside work shall be allowed on Sunday.
16. Both Diamond Environmental and Liberty RV & Boat Storage shall continue to maintain a City Business License for the duration of the business operations.

17. Trash dumpsters shall be kept within the existing enclosures on site, and gates shall be closed to screen the dumpsters from view. When not in use, dumpster lids shall remain closed in order to prevent rainfall from entering the dumpsters in compliance with the City's Storm Water Management requirements.
18. The facility must comply with all applicable provisions of San Marcos Municipal Code (SMMC) Chapter 14.15 (Storm Water Management and Discharge Control) and other State and regional permits/standards for the protection of storm water quality.
19. Non-storm water discharge into the City's storm drain conveyance system is considered an illicit discharge and is prohibited during construction, operation and maintenance of the business in accordance with SMMC Chapter 14.15.
20. The building address and suite number must be clearly labeled at the front and rear doors 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.).
21. A separate permit will be required for any new signage, including temporary signs. Signage must comply with the [City's Sign Ordinance (SMMC Chapter 20.320) or approved Comprehensive Sign Program]. Portable signs (i.e.: A-frame, T-frame, etc.) are prohibited on or off site.
22. Use of the site must be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
23. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
24. All screen walls shall be structurally maintained and kept in good appearance free of graffiti, broken panels, and color fading.
25. Work performed on Diamond Environmental fleet vehicle trucks shall be limited to general repairs only. No body work or spray painting of vehicles is allowed on site, unless approved by the Planning Division Manager, and upon the issuance of a City building permit for any spray booth.
26. Storage of wrecked or salvaged vehicles is prohibited on site.
27. All parking spaces shall be clearly identified on site by striping within the parking lot per the approved site plan. Standard parking spaces shall have minimum

dimensions of nine (9) feet wide by eighteen (18) feet deep.

28. The driveway aisle(s) shall be a minimum of twenty-four feet (24) wide and remain free and clear for two-way circulation. No vehicles shall be parked or stored in the driveway aisle at any time. No RVs, boats, portable restroom facilities, or any other associated equipment shall be stored within the 24 foot wide drive aisles.
29. The applicant/developer shall comply with all rules, regulations, and conditions of the County Health Department, Hazardous Management Division, the California Department of Toxic Substances Control, and the Air Pollution Control District for the operation of this type of facility and materials used, emitted, and disposed of by the applicant/developer.
30. The applicant/developer is responsible for compliance with all applicable State of California Department of Motor Vehicles rules and regulations for fleet vehicles. Said requirements are incorporated herein by reference.

B. Any modifications, alterations, expansions or other changes require the modification to this Conditional Use Permit and may necessitate the issuance of Building Permits and reissuance of a Certificate of Occupancy from the Building Division.

C. Prior to issuance of any building permit, the applicant/developer shall comply with the following conditions:

1. The applicant/developer must obtain written approval from the Planning Division that the modifications proposed under any Building Permit will be in substantial conformance with this adopted Conditional Use Permit.
2. 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 SMMC Section 17.08.030 (Section 105.10), the tenant must obtain written permission from the building or property owner that the applicant/developer is authorized to proceed with the proposed construction.
3. Remodeled structures and/or tenant improvements must be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
4. 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 of California Business and Professions Code.
5. The City 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.

6. The handling, storage, use and disposal of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit and shall be in compliance with any and all Federal, State, County and City rules, regulations, and requirements for hazardous waste control, including but not limited to the Hazardous Waste Control Act of 1973 (HWCA) (Health & S C §25100 *et seq.*), as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part hereof with the same force and effect as though fully set forth herein.
7. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility standards.
8. The project shall include an automatic fire extinguishing system in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.

D. During the construction phase, the applicant/developer shall comply with the following conditions:

1. Dust and dust producing materials shall 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 shall 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.
2. 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 and 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 and fines as appropriate. Citation for hours of work violations requires a mandatory court appearance in North County Superior Court.
3. During construction the owner/developer/contractor shall 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

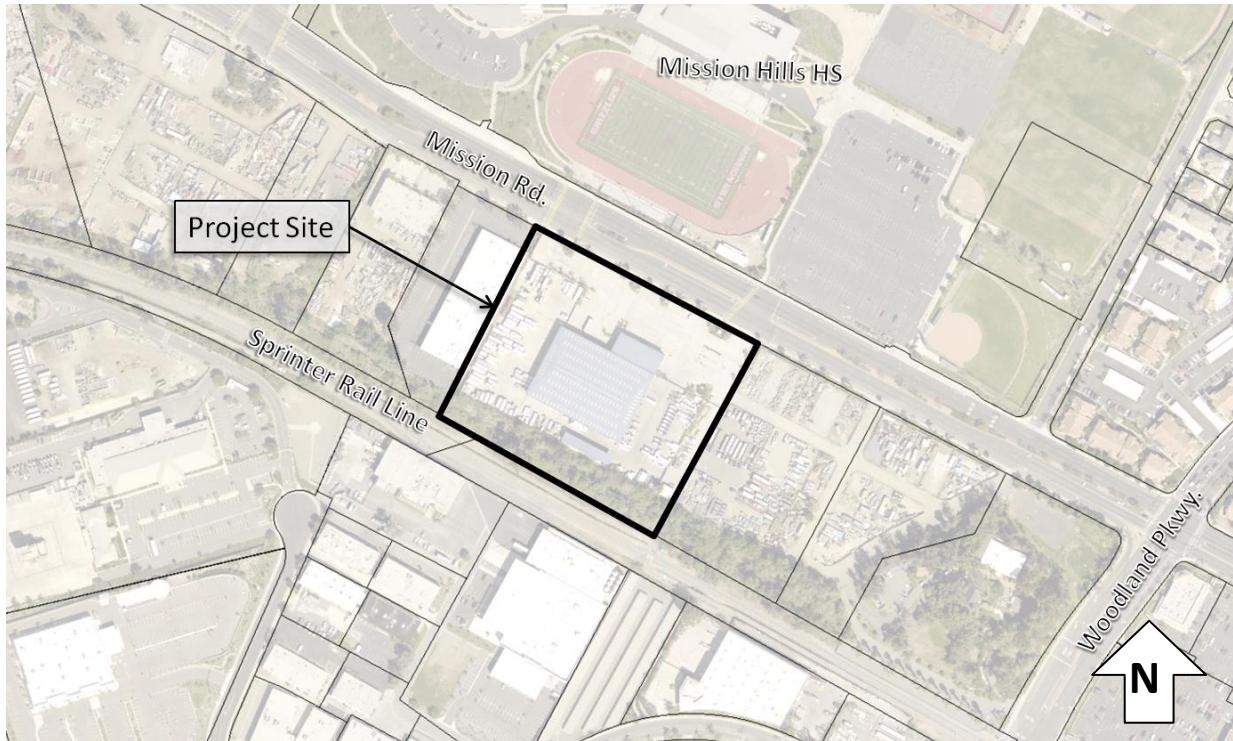
may be delayed until the City determines that the project is in compliance with the storm water requirements.

E. Prior to occupancy, the applicant/developer shall comply with the following conditions:

1. Prior to a final inspection or issuance of a Certificate of Occupancy, the proposed development must satisfy the conditions of approval prior to the occupancy. The applicant/developer must obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy from the Development Services Department.

## ATTACHMENT A

### Vicinity Map



**Project No.: CUP18-0002**

**Location: 805 & 807 Mission Road**

**APN: 220-220-58-00**



**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT B**  
Requested Entitlement

Conditional Use Permit to allow the continued operation of a portable restroom rental facility and recreational vehicle (RV) and boat storage facility

**ATTACHMENT C**  
**Site & Project Characteristics**

Property	Existing Land Use	Zoning	General Plan Designation
Subject	Portable Restroom Rental Facility & RV Storage Facility	I-2	Industrial
North	Mission Hills High School	P-I	Public Institutional
South	Industrial	I	Industrial
East	Contractor Outdoor Storage	I-2	Industrial
West	Industrial	I-2	Industrial
Flood Hazard Zone	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	
Resource Conservation Area	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	
Sewer	<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	
General Plan Conformance	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	
Land Use Compatibility	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	

**Development Standards:**

Setback	Minimum Required	Existing
Front	10 feet	123 feet
Rear	0 feet	57 feet
Side (west)	0 feet	137 feet
Side (east)	0 feet	172 feet
Landscaping	10%	25%

## ATTACHMENT D

### Site Photos



Front Parking Lot



Fuel Dispensers



Wall & Landscape Screening (Mission Road)



Diamond Environmental Fleet vehicle Service Area



Liberty Storage Outdoor RV Storage Area

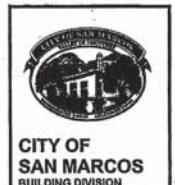
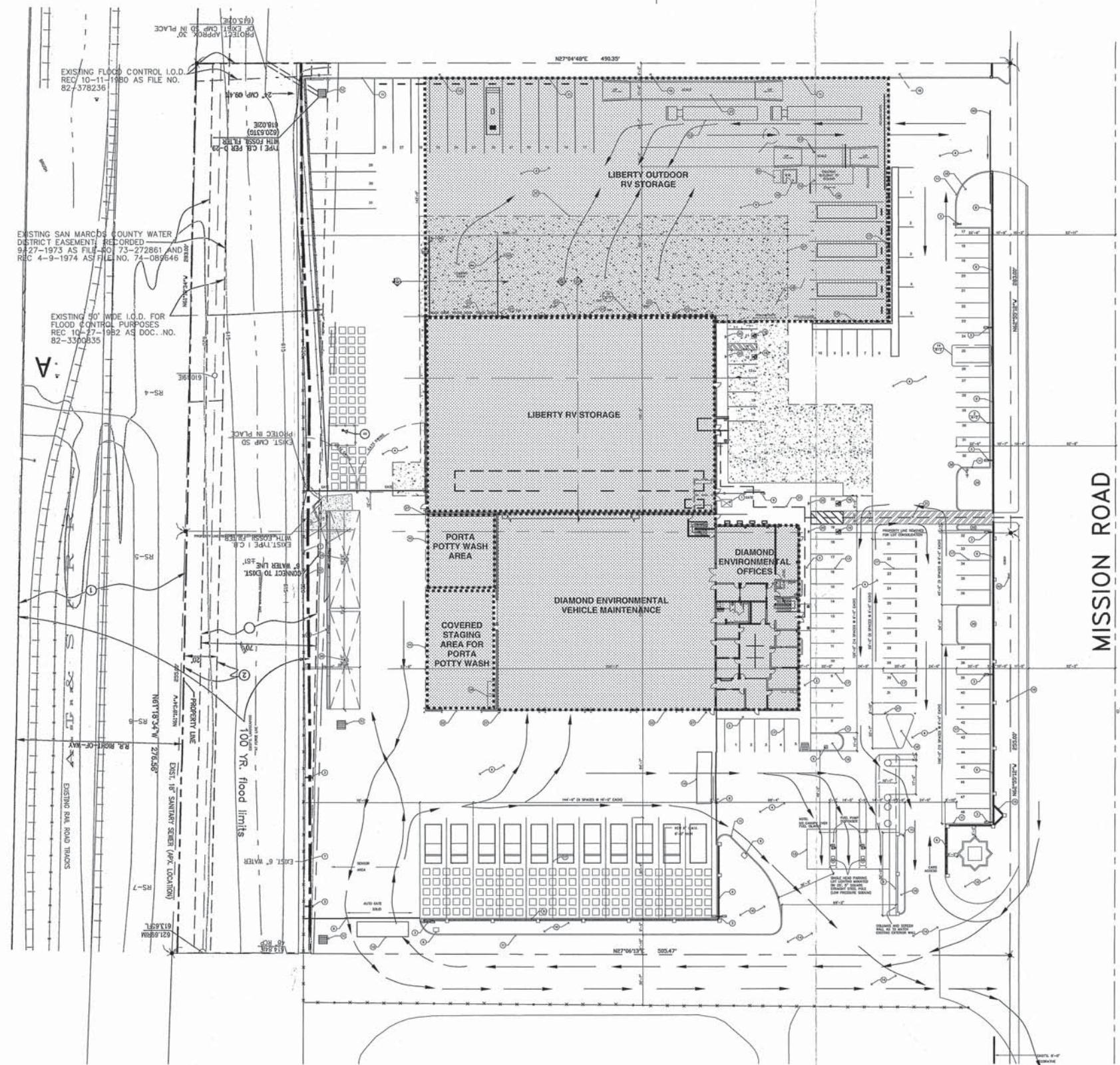


Diamond Environmental Fleet Vehicle and Portable Restroom Storage Area



**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT E**  
Site Plan



**AN APPLICANT'S GUIDE  
TO PROCEDURES FOR:**

**BEST MANAGEMENT PRACTICES  
FOR CONSTRUCTION ACTIVITIES**

1 City Center Dr., San Marcos, CA 92069-3919 (760) 744-1000 FAX (760) 744-4128

The following is intended as an attachment for building and grading plans and represents the minimum standards that must be implemented on all construction sites.

- Eroded sediments and other pollutants must be retained on site and shall not be transported from the site via swales, area drains or natural drainage courses.
- Stockpiles of earth and other construction related materials must be protected from being transported from the site by wind or water.
- Fuels, oils, solvents and other materials shall be stored in accordance with their listing. Storage containers shall be protected from the weather. Spills shall be cleaned up immediately and disposed of in a proper manner. Spills shall not be washed into the drainage system.
- Excess concrete shall not be washed into any drainage system. Provisions shall be made to retain concrete wastes on site until they can be disposed of as solid waste.
- Trash and construction related debris must be deposited into a covered receptacle at all times.
- Sediments and construction materials shall not be tracked from the site by vehicles. The construction entrance roadway shall be stabilized to inhibit sediments from being deposited on the public way. Accidental depositions shall be swept up immediately.
- Any slopes with disturbed soils shall be stabilized to prevent erosion.

**SITE NOTES**

1. EXISTING ELECTRICAL VAULT - SEE CIVIL DRAWINGS.
2. (E) CONCRETE SIDEWALK - SEE CIVIL DRAWINGS.
3. (E) LIGHT POLE AND FIXTURE - SEE ELECTRICAL DRAWINGS.
4. EXISTING CONCRETE PAVING.
5. (E) FLAG POLE.
6. EXISTING SCREEN WALL.
7. (E) 8'-0" HIGH CHAIN LINK FENCE - SEE DETAILS AND SPECIFICATIONS.
8. (E) 8'-0" HIGH CHAIN LINK GATE - SEE DETAILS AND SPECIFICATIONS.
9. (E) ENTRY GATE TOUCH PAD.
10. (E) AUTOMATIC GATE PROXIMITY CARD READER. SEE ELECTRICAL DRAWINGS AND SPECIFICATIONS.
11. EXISTING CONCRETE CURB.
12. (E) FIRE HYDRANT - SEE CIVIL DRAWINGS.
13. (E) FUEL ISLAND.
14. NOT USED.
15. (E) MONUMENT SIGN.
16. EXISTING LANDSCAPING AREA TYP. - SEE LANDSCAPING PLAN.
17. (E) THERMOPLASTIC PARKING LOT STRIPING - SEE SPECIFICATIONS.
18. NUMBERS INDICATE NUMBER OF PARKING STALLS.
19. (E) HANDICAP PARKING SIGNAGE.
20. (E) HANDICAP SITE SIGNAGE.
21. (E) HANDICAP ACCESSIBLE PATH OF TRAVEL.
22. LINE OF SLAB ELEVATION CHANGE.
23. (E) FOSSIL FILTER - SEE PLUMBING PLAN.
24. (E) TRASH AREA.
25. DRAIN FROM WASH AREA TO INTERCEPTOR - SEE PLUMBING PLAN. DRAIN FROM TRUCK WASH AREA - SEE PLUMBING PLAN.
26. (E) PIPE BOLLARDS - SEE DETAIL 10/SP-2.
27. (E) PRESSURE WASHER.
28. (E) 4'-0" PALLETS STACKED TO 8'-0" HIGH WITH MERCHANDISE TO BE MOVED BY FORKLIFT.
29. NOT USED.
30. NOT USED.
31. NOT USED.
32. EXISTING BUILDING TO REMAIN.
33. EXISTING SCALE AND RAMPS TO REMAIN.
34. NOT USED.
35. NOT USED.
36. NOT USED.
37. NOT USED.
38. PROTECT-IN-PLACE EXISTING ELECTRICAL EQUIPMENT.
39. (E) LANDSCAPING AREA - SEE LANDSCAPING PLAN.
40. EXISTING ENTRY ROLLING GATE TO REMAIN.
41. (E) 6' PARKING CURB - SEE DETAILS.
42. EXISTING FIRE HYDRANT TO REMAIN.
43. TRUCK STAGING AREA.
44. (E) Poured-in-Place Concrete Retaining Wall.
45. (E) Hand Rail.
46. Dashed line indicates roof overhang or covered area.
47. (E) FIRE HYDRANT.
48. EXISTING FENCE LINE TO REMAIN. PROTECT IN PLACE.
49. EXISTING LIBERTY ROCK WATER WELL (COUNTY WELL PERMIT #LWEL000466) SOURCE WATER UIC APPLIED.
50. EXISTING 8' WIDE SPLIT FACE CMU BLOCK WALL.
51. EXISTING 16' WIDE DOUBLE SPLIT FACE CMU BLOCK WALL.
52. STORM DRAIN INTERCEPTOR.

NOTE	REVISION

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**BRADLEY FAMILY  
RENTALS  
807 EAST MISSION RD.  
SAN MARCOS CA**

**H&A  
Architects**

240 MARKET PLACE, ESCONDIDO, CA, 92029  
(760) 738-8400 FAX: (760) 738-8419  
E-MAIL: mailbox@hba-architects.com

SEAL	DRAWN APL	CHECKED MLB	DRAWING NO. A 1
ENCLOSURE ARCHITECT C. 19627 STATE OF CALIFORNIA			
	CADD FILE NO. 0310.APEXII-A1 PROJECT NO. 0310.APEXII		
	DATE 01-16-18		SITE PLAN

**SITE PLAN**  
SCALE: 1" = 30' - 0"

**PC AGENDA ITEM #3**



**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT F**  
Liberty Rock Well Study – June 2, 2020

## SCS ENGINEERS

June 2, 2020

**Project Number: 01215146.00**

Mr. Conrad Pawelski  
Palomar Mountain Premium Spring Water  
1270 West Mission Avenue  
Escondido, CA 92029

**RE: Liberty Rock Well**

**Site: 805 East Mission Road  
San Marcos, California**

Dear Mr. Pawelski:

In accordance with your request and authorization, SCS has conducted observation well monitoring during pumping of the Liberty Rock well (LRW) at 805 East Mission Road in San Marcos. We understand that your intent is to use the LRW as a public supply source for restroom and event services including potable water for kitchen sinks, handwash stations, and drinking water towers for large events. We also understand that the City of San Marcos (City) asked for an evaluation of the well and whether the proposed use would *“substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.”*

### BACKGROUND

The following conditions relative to current and proposed LRW water usage and subsurface geologic conditions are noted:

- Geologic units at the LRW site and vicinity include shallow alluvium over weathered to unweathered fractured crystalline rock.
- Production wells in the region are generally completed in and pumping from the fractured crystalline rock.
- Since the LRW was installed in 2014, reported water use from the well has been on the order of 9,000 gallons per day (gpd).
- The Client is proposing to potentially pump from the LRW, depending on demand and business growth, up to an estimated 24,000 gpd for the Rentals Services Customer base of Diamond Environmental over a projected 10 years.

The City has a supply well located at their public works yard on Mata Way (public works well). This well is located approximately 1,770 feet to the west-northwest of the LRW. In discussions

with the Client and the City, it was agreed that, rather than design and execute an aquifer test, SCS would conduct a focused well study for which the LRW could be pumped and the public works well monitored to assess whether it responds to the pumping. On September 13, 2019, SCS submitted a scope of work for monitoring the public works well to the City for review. The City subsequently granted access to the well.

## PUMPING/MONITORING SCOPE

SCS monitored the public works well during pumping of the LRW. Following is the scope of work conducted:

- On January 13, 2020, a transducer was installed in the public works well.
- On January 14, 2020, pumping ceased on the LRW to allow the aquifer to recover to static conditions.
- On the afternoon of January 14, 2020, the public works well was pumped for normal supply needs. Thereafter the well was turned off to allow it to recover prior to pumping the LRW.
- January 14 through early January 16, 2020, both wells were kept off and monitored for static conditions.
- On January 16, 2020, at approximately 9:49 AM, pumping commenced on the LRW.
- On January 17, 2020, at approximately 9:01 AM, pumping ceased on the LRW.

## RESULTS

The LRW was pumped for approximately 23 hours and 10 minutes. During this period the total well discharge was approximately 152,210 gallons (based on a totalizer meter at the LRW wellhead). This discharge rate is over 6 times the proposed discharge rate. During pumping of the LRW, the public works well did not appear to respond. Fluctuations noted in the data for the public works well show minimal changes in water level (approximately one foot or less) and no obvious trend. A hydrograph depicting the water level data from the public works well is attached.

## CONCLUSION

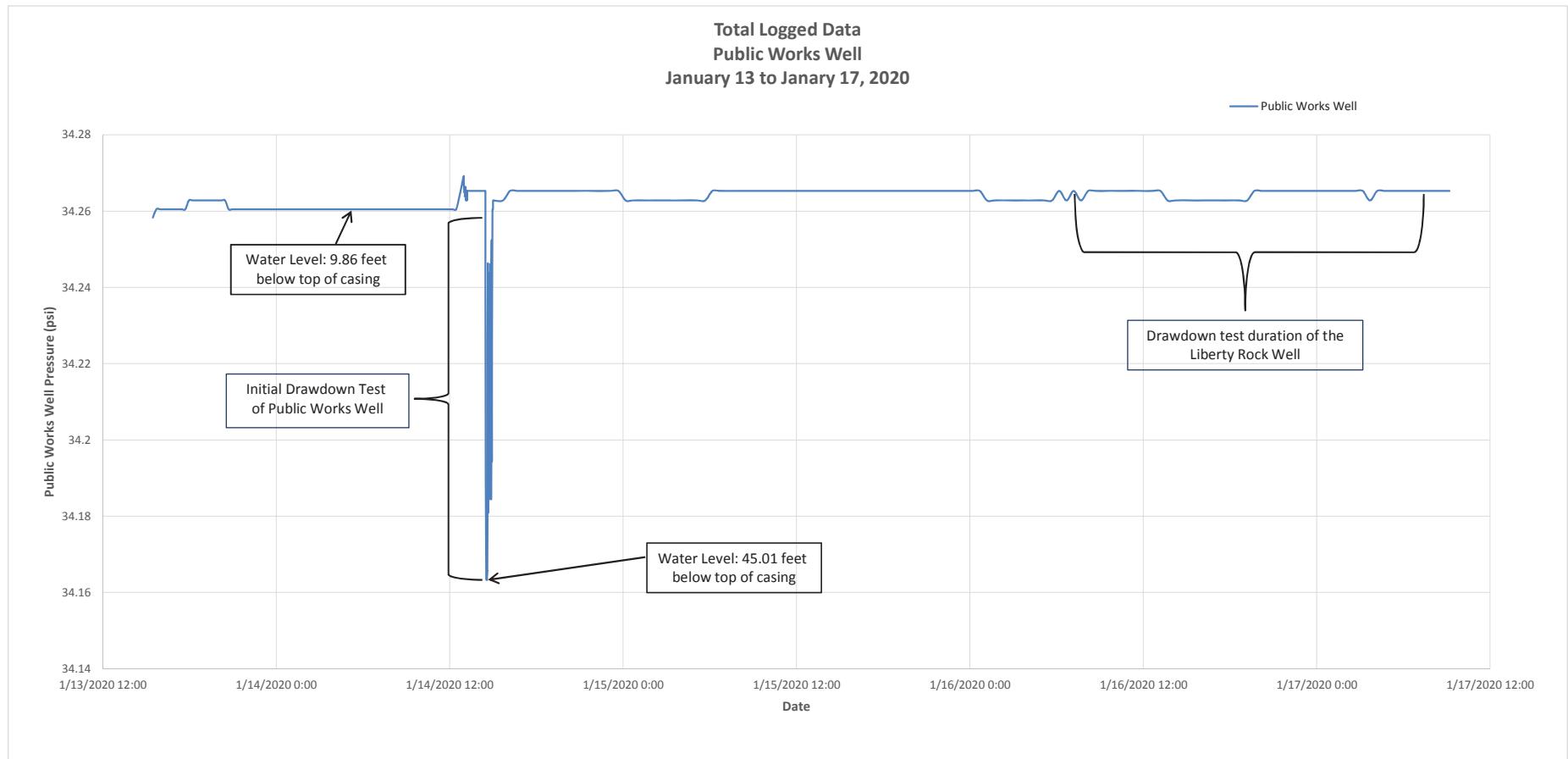
The public works well appears to have not been affected by pumping the LRW for approximately one day and at a pumping rate at least 6 times greater than that proposed. Therefore, based on the results of this focused well study, it does not appear that use of the LRW as proposed will substantially impact the aquifer. As such, it does not appear that the proposed use of the LRW will have substantial impact with regard to the California Environmental Quality Act (CEQA).

Should you have any questions regarding this letter, please do not hesitate to contact the undersigned.

Sincerely,



Charles E. Houser, PG  
Project Manager  
**SCS Engineers**





**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT G**  
Resolution PC 03-3667

RESOLUTION PC 03-3667

A RESOLUTION OF THE SAN MARCOS CITY PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT AND DESIGN ZONE OVERLAY TO ALLOW CONSTRUCTION OF A 32,000 SQUARE FOOT FLEET MAINTENANCE AND REPAIR FACILITY INCLUDING OPERATION OF A PARTIALLY ENCLOSED PORTABLE TOILET WASH FACILITY, ADMINISTRATIVE OFFICES, AN OUTDOOR TRUCK WASHING AND FUEL DISPENSING AND STORAGE AREA AND THE CONSTRUCTION OF AN ADJOINING 20,000 SQUARE FOOT BUILDING ATTACHED TO THE FLEET MAINTENANCE STRUCTURE TO BE UTILIZED FOR BUILDING MATERIALS (ROOFING) STORAGE AND SALES

CASE NO. CUP 00-459(03M)/DZ 03-28  
BRADLEY FAMILY RENTALS, LLC

WHEREAS, on December 8, 1999, the City of San Marcos received an application from Structural Materials requesting approval of Conditional Use Permit and Design Zone overlay for modular offices on the property located at 817 E. Mission Road (APN 220-220-56) in the Industrial (M-2) Zone,

WHEREAS, on December 29, 1999 the City of San Marcos adopted Resolution AH 99-3216 approving Conditional Use Permit for modular offices for Structural Material Roofing Supply;

WHEREAS, an application was received on May 11, 1999 from Bradley Family Rentals requesting approval of a Conditional Use Permit to construct a 32,000 square foot Fleet Maintenance Facility located at 805 and 809 East Mission Road, which was approved by the Planning Commission on December 7<sup>th</sup>, 1999; and

WHEREAS, an appeal to the Planning Commission approval of CUP 99-414 which would approved a fleet maintenance facility was submitted by the Residents for a Rural Richland and a hearing was schedule for February 8, 2000 in front of the City Council but continued until February 14<sup>th</sup>, 2000; and

WHEREAS, on February 22, 2000 the City Council adopted Resolution No. 2000-5383 upholding the appeal denying CUP 99-414 based on the lack of information in the project description and appropriate level of environmental assessment; and

WHEREAS, an application was received on July 14, 2000 from Eric DeJong requesting approval of a Conditional Use Permit to allow construction of a fleet maintenance and repair facility including operation of a partially enclosed portable toilet wash facility, administrative

offices, an outdoor truck washing and fuel dispensing and storage area located at 817 East Mission Road (APN 220-220-57); and

WHEREAS, on October 1, 2001 the Planning Commission approved the Conditional Use Permit request to allow construction of a fleet maintenance and repair facility including operation of a partially enclosed portable toilet wash facility, administrative offices, an outdoor truck washing and fuel dispensing and storage area located at 817 East Mission Road ; and

WHEREAS, a revised plan was submitted to the City on May 12, 2003 by Bradley Family Rentals requesting modification of the approved Conditional Use Permit to allow the consolidation of two parcels (APN 220-220-56 and 220-220-57) to allow the construction of an adjoining 20,000 square foot building attached to the fleet maintenance structure, to be utilized for building materials (roofing) storage and sales, and to move the location of the Fleet Maintenance fuel island, more particularly described as:

PARCEL A: A portion of the Northwesterly Parcel of Record of Survey Map No. 16113; portions of Lots 1 and 2 in Block 54, and a portion of Lot 9 in Block 22, Map 806,  
PARCEL B: A portion of the two Northwesterly Parcels of Record of Survey Map No. 16113; a portion of Lot 1 in Block 54, and a portion of Lot 9 in Block 22, Map 806,  
APN 220-220-56; 220-220-57

WHEREAS, the Development Services Department did study and recommend approval of said request; and

WHEREAS, the required public hearing held on July 7, 2003 was duly advertised and held in the manner prescribed by law, and;

WHEREAS, the Planning Commission has considered a Negative Declaration (ND 03-670) pursuant to the provisions of CEQA; and

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

1. The Conditional Use Permit with the proposed conditions will be consistent with the Richland Neighborhood Plan and the goals and policies of the City General Plan. The proposed Diamond Environmental Services/fleet maintenance facility and Structural Materials building supply (roofing) business is considered a compatible land use with adjacent industrial properties in that there will be limited outdoor activity under the Conditional Use Permit with a majority of the activity within an enclosed building.
2. The Conditional Use Permit with the proposed conditions, will not be detrimental to the public health, safety or welfare, or the surrounding land uses in that there

will be ample parking, adequate access, significant screening, health & safety standards, and implementation of a high quality of architectural standards.

NOW THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. The Negative Declaration (ND 03-670) is hereby approved.
3. The Conditional Use Permit is approved based upon the submitted plot map, architectural elevations, landscape plans, except as modified herein and subject to compliance with the following conditions:
  - A. Prior to reliance on this Conditional Use Permit, the Site Plan sheet (SP-1) shall be modified as follows:
    1. The site plan shall show the entire site, including both parcels. Said delineation shall include all property line dimensions.
    2. Identify the existing property line that will be removed with the lot consolidation.
    3. The "Site Notes" do not accurately correspond to the site plan. Identify or remove notes 5, 8, 9, 10, 12, 13, 14, 15, 23, 24, 25, 26, 28.
    4. Notes 6, 7, 8 refer to types of gates, fences, and walls. Provide specifications and details of each type of fencing.
    5. Show a truck movement template access to the proposed 20,000 square foot building for staff to verify/approve locations of pallets.
    6. The northern parcel shows an existing building to remain (adjacent to the scales), with a note next to the building (31) that will be removed. Please clarify.
    7. Identify the type of gate located adjacent to the existing building to remain.
    8. Note (16) identifies a landscaping strip. Please identify if existing/proposed, any existing curb or walls along this section.
    9. The subject site has an existing rolling gate at the most western driveway, which currently serves the Structural Materials business. Please identify this gate and if it is to be removed.

10. Per the Off-Street Parking Ordinance, a six-inch curb shall be provided around the parking spaces identified as spaces 1-11.
11. A landscape planter shall be installed between parking spaces 18 and 19, in conformance with the Off-Street Parking Ordinance.
12. Per note 29, identify the maximum height of the building material pallets. Said outdoor storage shall not exceed the height of the permitted fence/gate/or walls.
13. Truck parking shall not be permitted along the Mission Road frontage parking lot. The proposed Structural Materials building shall be oriented to reduce visibility of the parking lot and staging area for larger commercial vehicles. This may also require additional landscape that would be determined in the field prior to occupancy. The site plan shall identify truck parking/loading areas for the Structural Materials portion of the site.
14. Identify any proposed lighting in the open storage area north of the proposed 20,000 square foot building.
15. Identify the new location of the air compressor, which currently exists where the proposed 20,000 square foot building is proposed.
16. The site plan shows pallet storage outside of the limits of the property line. This is not permitted.
17. Identify the limits of the 100 year floodplain and floodway. No structures are permitted within the limits of the floodway.
18. The proposed location of roofing material pallets shown west of the gate (identify if future or existing) and south of the 20,000 square foot building shall be moved to the west in order to ensure adequate clearance.
19. The note "Exist'g. Landscaping at fence line" does not adequately identify location, type, and dimension of landscaping. Revise plan accordingly.
20. A minimum of eight percent (8%) of the site (combined acreage) shall be landscaped. Identify total percentage of landscaping proposed/existing.
21. Identify the proposed location of trash enclosure(s). Location shall be concealed from street view with landscaping if determined necessary by the Planning Director.

22. At the midpoint on the east property line, provide one on-site fire hydrant. The Fire Marshall may also require a hydrant located at the western driveway entrance. Exact location and number of hydrants must be approved by the Fire Marshall.
23. The site plan shall be modified to show outdoor storage for portable toilets in the two truck parking spaces that are along the southern end of the proposed truck parking for the Fleet Maintenance operation. The site plan shall also show a row of outdoor storage for the portable toilets along the south side of the Fleet Maintenance building, against the wall and between the wash facility. There shall be no other outdoor storage of portable toilets except as modified herein.
24. Show on the site plan the existing hydrants.
25. Applicant shall contact the Fire Department to verify fire flow requirements and fire flow facilities required for the project.
26. All access to the site shall be reviewed and approved by the Fire Marshall. Installation of "Knox box" or similar emergency entry feature may be required. Minimum driveway access of twenty-four (24) feet shall be maintained on site at all times. Fire lanes shall be identified per the Fire Marshall.
27. No roof equipment shall be allowed.

B. The Conceptual Landscape Plan (Sheet LS1) shall be modified as follows:

1. Include a fencing/wall/gate plan to identify specifications/materials/height of each type of fencing. Fencing plan shall be reviewed and approved by the Planning Director.
2. Plantings within, or adjacent to, visually sensitive areas (Mission Road and State Highway 78) shall consist exclusively of evergreen tree/shrub species.
3. Prior to occupancy, additional trees may be required along the north, south, and east property line for screening purposes if deemed necessary in the field.
4. The applicant shall be responsible to maintain all existing landscaping along the southerly boundary.

5. All landscaped areas shall be kept in a healthy, thriving manner free of weeds, trash and debris.
- C. The proposed elevations (Sheet A2) shall be modified as follows:
  1. The proposed building and expansion shall be constructed with a non-metal stucco finish on all sides of the building. A sample of the final color and finish shall be submitted to the Planning Division for review and approval.
  2. Storefront glass doors shall be used on the proposed off/entry areas. Hollow metal doors and frames shall be used at service and warehouse entry areas. Roll up doors shall be constructed of steel and painted to match the color of the building.
  3. The glass window band shown on the North elevation shall be incorporated on the west elevation, to match in color and type of window. Final design to be reviewed and approved prior to issuance of building permit.
  4. The larger roll up doors (18 feet high) shall be reduced in height if feasible for the Structural Materials business operation, with the final height to be approved by the Planning Division Director. These doors shall not exceed the height of the doors approved on the east side of the building.
  5. The roof shall be designed with standing seam metal. Final design to be approved by the Planning Division Director. No rooftop mechanical equipment permitted.
  6. "Legend Notes" calls out a legend for chain link fence; not reflected on the elevations.
  7. "Keynotes" 7-16 not reflected on the elevations. Revise accordingly.
  8. Provide better description of doors and window type. Applicant did not submit door and window schedule for staff to review. Therefore, Planning Division Director shall approve final door, window, color, and exterior finish and color.
  9. The South Elevation should show both of the buildings for a complete elevation.
- D. The outdoor wash area shall be covered with a canopy that is designed to complement the main building. Said canopy shall include an architectural

screen that extends from the edge of the canopy towards the ground to sufficiently screen washing activities.

- E. All on-site lighting systems shall consist of low-pressure sodium vapor lighting and install cut-off fixtures as deemed necessary by the City.
- F. The applicant shall comply with all rules, regulations and design requirements of the Vallecitos Water District regarding sewer and water services to the project.
- G. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.
- H. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this site plan.
- I. The applicant/developer shall sign a statement on the approved site plan attesting to the fact that he/she has read Section 17.32.045 of the City's Grading Ordinance pertaining to permit exemptions, and that he/she believes to the best of his/her knowledge that he/she is exempt from the City's permit requirements based on one or more criteria set forth in said Ordinance. Otherwise, a detailed grading plan shall be submitted to the City's Engineering Division for review and approval, and all related requirements must be met prior to issuance of a grading permit.
- J. Prior to issuance of any grading permit the following conditions shall be complied with:
  - (1) A detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising therefrom shall be submitted in the form of a report.
  - (2) A geologic and soils study shall be conducted for the proposed project. Said study shall give recommendations for cut and fill slopes, compaction and suitability for step foundations on individual lots. Said study shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering and Building Divisions. Recommendations of the Civil and/or Geotechnical Engineer, City Engineer and Building Official shall be implemented at the time of development of any lot.

- (3) The applicant shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
- (4) All permanent manufactured fill slope banks shall be constructed at a gradient no steeper than 2:1 (horizontal to vertical). The Civil and/or Geotechnical Engineer shall verify slope stability for any cut slope greater than 2:1; in no case shall the cut slope exceed 1.5:1. The City Engineer will require support documentation from a licensed Civil and/or Geotechnical Engineer for graded cut slopes greater than 2:1.
- (5) The applicant shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining/crib walls on an approved site plan and grading plan. Street and drainage structure alignments, and retaining/crib walls shall be designed to the satisfaction of the City Engineer.
- (6) Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
- (7) The applicant shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation, and drainage facilities, as required by the City Engineer.
- (8) The applicant shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, storm drain facilities, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall ensure the construction of the "Approved" public improvements within a period to be specified in the Development Improvement Agreement.
- (9) Reciprocal access road is to be maintained through a "Private Road Maintenance Agreement". The individual property owners served by reciprocal access road shall enter into a recorded joint

maintenance agreement to ensure adequate maintenance of all improvements within the boundaries of the private street. A note to this effect shall be added in a conspicuous place on the Grading/Site Plan.

- (10) For industrial or commercial areas that share access and/or parking, an unsubordinated reciprocal access and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.
- (11) Sediment, silt, grease traps, and fossil filters shall be included in the grading plan, hydrology report, and SWPPP report.
- (12) The proposed pad elevations of all new construction shall be one (1) foot above the base flood.
- (13) The project is in the existing 100-year floodplain of San Marcos Creek. Any development in the 100-year floodplain shall comply with all terms of the City's Flood Damage Prevention Overlay Zone and all FEMA (Federal Emergency Management Agency) regulations and requirements.
- (14) The limits of the 100-year floodplain and floodway of San Marcos Creek shall be shown on all plans, maps and hydrology/hydraulics report submitted by the applicant and approved by the City Engineer.
- (15) Encroachment into the 100-year floodway is prohibited unless certification by a registered professional engineer is provided demonstrating that encroachment shall not result in any increase in the flood levels and velocities during the occurrence of the base flood discharge, per the City's Flood Damage Prevention Overlay Zone (Title 20, Chapter 20.76).
- (16) The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any grading or building permit.
- (17) Erosion control and/or sediment control details shall be submitted with/on the SWPPP and grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.

- (18) A hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. Cross sections, at twenty-five foot (25') intervals, along the southern property line, adjacent to the San Marcos Creek, must be included in the hydrology report, to determine water surface elevations. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
- (19) The applicant shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the applicant to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
- (20) The applicant shall be required to pay their fair share towards the high school/Liberty Recycling Traffic signal improvements, Rancheros/Woodland Parkway intersection improvements and Barham/Woodland Parkway signal improvements as determined by the City Engineer.
- (21) The applicant/developer shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides. Said landscaping plan shall be approved by the City prior to issuance of a grading permit.
- (22) Final Landscape and irrigation plans shall be prepared by a licensed landscape architect and submitted to the Planning Division, Developmental Services Department for review and approval. The final landscape plan shall list the quantities of each plant type including height and size and shall include a legend indicating what each symbol represents.

- (23) This project is subject to the payment of a landscape permit fee and an inspection fee. The landscape permit fee shall be two percent (2%) of the Landscape Architects estimate for the completion of all landscaping shown on approved mylars. The landscape inspection fee shall be two and one-half percent (2.5%) of the Landscape Architect's estimate. All submitted estimates shall be stamped and signed by the Landscape Architect.
- (24) The applicant/developer shall submit for City review and approval for the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest Caltrans SWPPP Preparation Manual, to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (BMP) implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction.
- (25) All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.
- (26) The applicant/developer shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding with grading with dry weather periods, permanent reseeding of disturbed soil areas as early as feasible.
- (27) The applicant shall submit to the City for review and approval a plan that includes a combination of source control and structural treatment BMPs that at a minimum will:
  - a. Control the post-development peak storm water runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion;
  - b. Conserve natural areas;
  - c. Minimize pollutants of concern from urban runoff through implementation of source control BMPs;
  - d. Remove pollutants of concern from urban runoff through implementation of structural treatment BMPs;
  - e. Minimize directly connected impervious areas;
  - f. Protect slopes and channels from eroding;
  - g. Include storm drain stenciling and signage;
  - h. Include properly designed outdoor material storage areas;
  - i. Be implemented close to pollutant sources and prior to discharging into receiving waters;

- j. Include properly designed trash storage areas; and
- k. Ensure that post-development runoff does not contain pollutant loads which have not been reduced to the maximum extent practicable.

The structural BMPs shall be designed so as to filter or treat the volume or flow outlined in the numeric sizing criteria outlined below:

Volume

Volume based BMPs shall be designed to filter or treat the volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the local historical rainfall record.

OR:

Flow

Flow based BMPs shall be designed to filter or treat the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour.

- L. Prior to the issuance of any building permit, the following conditions shall be complied with:
  - (1) This site is within the 100-year floodplain/floodway and requires a mitigation fee of \$76,000/acre of land in the floodplain mitigation area. This will be required to be paid to the City for future improvement of San Marcos Creek Channel.
  - (2) The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit and the SWPPP permit. Materials required to be identified are per Health and Safety Code Section 25101.
  - (3) The subdivider shall submit separate petitions to annex into and establish with respect to the property the special taxes levied by the following community facilities districts:
    - a. Lighting and Landscaping Community Facilities District, CFD 98-02
    - b. Police Community Facilities District, CFD 98-01
    - c. Fire and Paramedic, CFD 2001-01

No development entitlement or grading permit will be issued without receipt of an executed petition for annexation into each of

the above-referenced CFDs and establishment of the special taxes. The subdivider shall comply with all rules, regulations, policies and practices established by the City with respect to the CFDs including, without limitation, requirements for notice and disclosure to future owners or residents. An annexation fee for each CFD will be assessed at the time of annexation.

- (4) The design of all structures shall comply with the Uniform Building code, published by the International Conference of Building Officials (ICBO), and with Part 2, Title 24, California Code of Regulations.
- (5) The City of San Marcos is located in Seismic Zone 4. All structures shall be designed to adequately transmit to the foundation the dynamic lateral forces developed in the building accordance with the engineering requirements of the latest adopted California Building Code and the Uniform Building Code, Volume II, as adopted by the City of San Marcos.
- (6) This project is subject to payment of the Public Facilities Fee in accordance with the Public Facilities Financing Plan in effect at time of building permits.
- (7) The applicant/developer shall pay school impact mitigation as required by law.
- (8) The proposed development shall comply with Federal Law, American wit Disabilities Act ("ADA-90"), and State Law, California code of Regulations, Title 24, for accessibility standards for the proposed construction.
- (9) The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) have been in substantial conformance with the approved plans, reports, and standards.
- (10) The contractor shall comply with CAL-OSHA and local governing agencies' requirements for open cut excavation and provide safe and stable conditions for the workmen during the construction operations.
- (11) All grading shall be supervised by an Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies

observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.

- (12) The fleet maintenance building, office and storage areas as well as the proposed Structural Materials building (20,000 s.f.) shall be fire sprinklered as determined by the Fire Marshal. An automatic fire extinguishing system shall be installed for the proposed buildings in accordance with the latest adopted Uniform Building Code and National Fire Protection Association standards,
- (13) Applicant shall obtain all necessary permits or clearance from the Air Pollution Control District, the San Diego Environmental Health Department and/or Encina Joint Treatment Authority or any other regulatory agencies as required prior to installation of both the underground/aboveground fuel dispenser and the vehicle washing area.
- (14) The applicant shall identify and delineate on the site plan, hydrology report, SWPPP, and grading plan the 100 year floodplain limits. No structures shall be constructed within the limits of the 100 year floodplain.
- (15) Prior to submitting building plans, a letter shall be submitted by an acoustical engineer confirming the building and layout has been designed so that noise levels at the High School will be consistent with decibel levels considered appropriate for a school. If there are potential impacts, the acoustical engineer shall establish the appropriate mitigation to reduce those impacts so that the operation is in compliance.
- (17) The applicant shall maintain a list of the proposed users of the facility which shall include only Hilltop Group, Inc. fleet. Any changes would warrant modification to the CUP.

M. During the construction phase, the following conditions shall be complied with:

- (1) All construction activities authorized by a building permit, including delivery, set-up and use of equipment shall be conducted on premises between the hours of 7:00 am and 6:00 pm Monday through Friday and on Saturdays between the hours of 8:00 am to 5:00 pm. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos.
- (2) The applicant shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading

and construction activities as specified in Section 6703.1 of the Professional Engineer Act.

- (3) The applicant shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
- (4) Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
- (5) During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
- (6) Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
- (7) During grading and construction operations, the applicant shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
- (8) The applicant shall design and construct erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (November 1 through April 1).
- (9) Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.

N. Prior to occupancy of any structure on the site the following conditions shall be complied with:

- (1) Final design specifications shall include a schedule for regular maintenance for all drainage facilities and on-site filters to ensure proper working condition.

- (2) Sewer and water utilities shall be wholly on the lot which serves the building in accordance with the latest adopted edition of the Uniform Plumbing Code.
- (3) "As-Built" reproducible grading plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy.
- (4) Buildings or structures shall not be used or occupied until the appropriate City departments and agencies have accepted or approved the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the conditions of approval for the proposed development have been satisfied.
- (5) Clarifiers or separators at the wash area shall be installed and connected to the sewer system at Mission Road.
- (6) Water wells shall be abated or reconstructed in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the State Water Code.
- (7) As specified in the County of San Diego Department of Environmental Health letter dated July 13, 1999, the applicant shall provide proof of completion or provision of the following:
  - a. Review of the facility by DEH Hazardous Materials Division for storage and use of chemicals and management of hazardous materials and hazardous wastes.
  - b. Best management practices for odor control according to Air Pollution Control District guidelines.
  - c. All waste from washing and maintenance shall be contained on-site and managed so as to not cause health hazards. The waste stream discharge shall be in accordance with requirements of the Vallecitos Water district.
  - d. Stormwater runoff shall be engineered to prevent accumulation of ponding that may breed mosquitoes, and the project shall use best management practices for storm water runoff control.
  - e. The applicant shall provide documentation from the Water Quality Control Board (Region 9) that assures compliance

with any waste discharge permit requirements from that agency.

- (8) A digital file on a 3 1/2" disk of all plans shall be submitted to the Engineering Division.
- O. The applicant shall contact the Regional Water Quality Control Board or Encina Waste Water Authority to determine if additional permits or criteria are required.
- P. Removal and disposal of groundwater (if any) encountered during construction activities shall be coordinated with the local RWQCB to ensure proper disposal methods and locations.
- Q. This project is subject to the approval of the Vallecitos Water District (VWD) and all applicable fees and charges shall be paid to the satisfaction of the District prior to permit issuance. The Diamond Environmental Industrial Waste Permit will also require an update by VWD.
- R. Applicant shall be responsible to install enhanced odor control devices or other odor equipment as specified by the regulating agencies.
- S. The applicant/developer/operator of the facilities shall comply with all Regional Water Quality Control Board measures and regulations.
- T. Prior to reliance in use, the applicant shall enter into an agreement with the City to allow a temporary construction and access easement along the southerly boundary of the lot to allow improvement to the San Marcos Creek. The agreement shall be reviewed and approved by the City Engineer and City Attorney. Once the improvements are completed, the applicant shall submit a revised landscaping and screening plan along the southerly portion of the site. Said plan shall be reviewed and approved by the Planning Division Director.
- U. 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.

- V. The outdoor storage of building materials shall not be located where visible to Mission Road. The height of the materials shall not exceed the height of the screen walls, fencing, or gates.
- W. The exterior of the buildings shall be coated with an anti-graffiti paint.
- X. The buildings should have a locked storage area for the completed products and maintenance equipment.
- Y. If there is roof access to the buildings, these entries should be secured to keep potential burglars from gaining roof top access.
- Z. The address numbers for the buildings shall be easily readable for day and night responses (backlit).
- AA. The building should be alarmed to safeguard interior equipment and property.
- BB. All lessee names and contact phone numbers should be clearly posted in the interior of the business for emergency contact.
- CC. Due to the proximity to the future San Marcos High School, "No loitering" and "No Skateboarding" signs should be conspicuously posted at the entrances and on the building.
- DD. The trash enclosures should be locked during non-business hours to prevent illegal dumping.
- EE. The proposed project contributes to an existing deficiency on Rancheros Drive west of Woodland Parkway and shall pay a fair share contribution towards the improvements of this road to its ultimate classification as determined by the City Engineer.
- FF. The applicant/developer shall contact the Planning Division prior to installation of landscaping for approval of selected materials. The Planning Division shall also be contacted to conduct a final inspection once all landscaping has been installed. Upon final inspection, the Planning Division may require additional installation of landscaping if determined necessary.

- GG. The permittee shall be responsible for conducting the proposed use in a manner as not to become obnoxious by reason of refuse, odor, dust, smoke, maintenance of grounds and buildings or have a detrimental effect on permissible adjacent uses.
- HH. The outdoor storage of portable toilets is limited to the two truck parking spaces (20' x 70') on the southeast truck parking for Fleet Maintenance and the single row against the southern side of the building and shall not be expanded or stored in other locations on site unless a modification to the CUP is approved.
- II. This Use Permit shall be reviewed annually by the Planning Division to determine if its use is having a detrimental impact on the surrounding uses or if the conditions of approval are not being met. If based upon this review, it is determined that the conditions of approval are not being complied with or the use is having a detrimental impact then the Conditional Use Permit shall be referred to the Administrative Authority for possible modification/revocation.
- JJ. This Conditional Use Permit shall expire five (5) years from the date of approval, on July 7, 2008. Any request for permit extension shall be applied for by the permittee no later than ninety (90) days prior to the expiration date. It is the permittee's responsibility to track the expiration date.
- KK. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution.
- LL. The hours of operation shall be Monday through Friday from 7:00 am to 5:30 pm for exterior operations (bay doors open) and on Saturday from 8:00 am to 5:00 pm. Work may be done indoors (bay doors closed) at any other time. No outside work shall be allowed on Sunday.
- MM. 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
- NN. The subject site shall be limited to Diamond Environmental to operate a partially enclosed portable toilet wash facility, Hilltop to operate a private fleet maintenance facility and administrative offices, and the operation of a building supply business with outdoor storage as permitted and identified within the approved site plan herein. A trash transfer station or any other use is not approved as part of this CUP. The portable toilet wash facility, private fleet maintenance use shall not expand into the Structural Materials building or lot area unless this Conditional Use Permit is modified.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 7<sup>th</sup> day of July, 2003 by the following vote:

AYES: COMMISSIONERS: BLACKLOCK, BURNS, CLANCY,  
DECENA, SCHIAIBLE, SKOVGARD, NELSON

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

APPROVED

*Dean KM*

Dean Nelson, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

*Cathy Kazebee*

Cathy Kazebee, Secretary  
SAN MARCOS CITY PLANNING COMMISSION

Koll\:\ Resolution PC 03-3667 - CUP 00-459(03M) Bradley Family Rentals