

RESOLUTION PC 14-4430

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING
COMMISSION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW THE CONSTRUCTION AND OPERATION OF A
RETAIL COMPRESSED NATURAL GAS (CNG) FUELING
STATION IN THE INDUSTRIAL (I) ZONE

CUP 14-009
(P14-0020)
EDCO Waste & Recycling

WHEREAS, on April 21, 2014 an application was received from EDCO Waste & Recycling requesting a Conditional Use Permit to allow for the construction and operation of a retail CNG fuel station (total of 4 CNG dispensers) on approximately 15,600 square feet of a 1.79 acre lot located at the at 168 S., Las Posas Road, within the Industrial (I) Zone, more particularly described as:

Portion of Lot 2 in Block 114 of Rancho Vallecitos De San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 806 filed in the Office of the County Recorder of San Diego County, December 21, 1895

Assessor's Parcel Number: 219-140-14-00

WHEREAS, the City has previously approved Conditional Use Permit and subsequent modifications for trash and recycling facilities on this parcel and adjacent contiguous parcels (CUP 83-13; CUP 83-13(95M); CUP 83-13(96M); CUP 93-214; CUP 93-214(95M); and CUP 93-214(94M); and

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

WHEREAS, the required public hearing held on September 2, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 14-006) for said request pursuant to the California Environmental Quality Act (CEQA); 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 adversely affect the implementation of the General Plan in that the proposed CNG fueling station is consistent with the "Industrial" land use designation per the General Plan; and helps

to promote a variety of commercial activities within the area. The granting of the Conditional Use Permit will implement Measure T-6-3 of the adopted Climate Action Plan, which indicates the City should “encourage the development of CNG or alternative fueling station within the City of San Marcos to support the conversion of heavy-duty gasoline and diesel fuels.”

2. The granting of the Conditional Use Permit will not be materially detrimental to the public health, safety and welfare or injurious to property or improvements in that the proposed CNG fueling station will provide adequate setbacks and separation from surrounding properties, and will comply with all applicable California Building and Fire Codes and National Fire Codes for the construction and operation of the facility.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 14-006) is hereby approved pursuant to the California Environmental Quality Act (CEQA).
- C. The Conditional Use Permit is approved per the submitted site plan and plot layout except as modified herein, and subject to compliance with the conditions of approval.
- D. The site plans (S-1, S-1-A, and S-1 2, S-3, S-7) must be modified as follows:
 1. Identify property lines in heavy dash for APN 219-140-14-00, show property line dimensions, and provide setback dimensions from property lines to the concrete islands.
 2. Modify the northern driveway dimension of APN 219-140-14 from forty-five (45') wide to thirty (30') and modify driveway dimension on APN 219-140-23 from forty-five feet (45') feet to thirty-five feet (35'). A portion of this driveway will be located on APN 219-140-14. New driveway design shall include minimum twenty foot throat (20').
 3. Identify onsite curbs (north and south sides of proposed CNG fuel dispenser islands) are existing to remain in place.
 4. Minimum distance in between islands must be twenty-four feet (24') to allow adequate pass-through circulation. Dimension must be shown on the plan. Lanes for the fueling stations must be a minimum of twelve feet (12') wide.
 5. All existing and proposed utilities (i.e.: cabinets, transformers, fire hydrants, etc.) must be shown on the site plan. Existing above-ground utilities may be left in place
 6. Identify location (with dimensions from property lines) the proposed location of chain link fencing that will be located on APN 219-140-52 and APN 219-140-23.

Plans submitted for building permit must comply with San Marcos Fire Department access requirements. Identify dark brown slats to be installed on fence to provide opaque screening. Screen fencing that will be installed on top of the block wall shall extend the full length of the block wall, for aesthetic consistency.

7. Provide a detail that shows the addition of a four foot (4') chain link fencing with slats on top of the existing CNG equipment enclosure block wall (east side), to fully screen existing and proposed CNG equipment.
8. Fencing detail on Sheet S-1 2 must be modified to reflect 12'10" height to match adjacent wall/fence combination (to screen CNG equipment and EDCO operations). Identify dark brown slats to be installed on fence to provide opaque screening.
9. Provide a specification for the proposed CNG dispenser island lighting; include height of light post.
10. Provide a specification for the proposed card reader. Identify locations of card readers on the site plans.

E. The conceptual landscape plan (L-1) is not approved and must be modified as follows:

1. Landscape plans must contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The landscape plan must list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation. The landscape materials must complement the existing landscaping that will remain in place.

F. Within thirty (30) days of the approval of the Conditional Use Permit (CUP 14-009), the final approved site plan, landscape plans must be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I (we _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 14-4430" Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.

G. The Applicant must comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.

H. This project is required to apply for a right-of-way permit complaint with SMMC 14.16.

The application for improvements within the public right-of-way must conform with applicable code and engineering handouts, unless explicitly superseded by the conditions contain herein.

- I. The Applicant must be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with the projects' planning, engineering, construction or architecture for the project.
- J. This project must be responsible for full compliance with the latest adopted Standard Urban Stormwater Management Plan (SUSMP), latest adopted stormwater quality permit, General Construction Permit and conditions the conditions contained herein for your project's designation. Changes to the project that affect the projects SUSMP or Risk Level designation will require approval of the City Engineer and may be subject to further conditions at the time of approval.
- K. Prior to issuance of any building permits, the following conditions shall be complied with:
 - 1. All site plan and landscape plan modifications required per Condition D and E must be incorporated into the building plans.
 - 2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 - 3. New buildings and remodeled structures shall 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. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
 - 5. 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 for the disabled.
 - 6. The proposed development shall comply with the latest adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.
 - 7. The applicant/builder/contractor shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
 - 8. The storage, use or handling of hazardous, toxic or flammable materials shall be

clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.

9. Primary and secondary (remote) emergency shut-off valves shall be provided and located as required by 2013 CFC and Fire Department.
10. A Knox cabinet with ability to hold MSDS sheets, a Site Plan and other key data required by fire department must be provided and installed near CNG dispensing or equipment area, in location determined by fire department.
11. Identify location where signs that comply with NFPA 704 and 2013 CFC will be installed on CNG storage tanks (new and existing). CNG equipment must be fenced in compliance with applicable fire codes.
12. Submit Technical report that addresses Public Use area of CNG refueling station. Scope of Report shall be similar to report EDCO fueling site at 224 S. Las Posas Rd. Tech report shall address the use, storage and dispensing operation; size of storage tanks, distances to property lines, venting, leak detection and other applicable compliance with Local and State Codes, including 2013 CA Fire Code and NFPA 52. Technical report findings must be incorporated into the building plans.
13. The Applicant must mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
 - a. CFD 98-01 - Improvement Area No. 1 (Police Only)
 - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
 - c. CFD 2001-01 – Fire and Paramedic
 - d. CFD 2011-01 – Congestion Management

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. The Applicant must be 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.

14. The applicant must identify on the plans the extent of proposed modifications to the existing asphalt surface of the project site. Any full depth removal must be shown on a paving plan submitted to the City for approval by the City Engineer and Planning Division Director. Any area of full depth repair totaling in an area of 5,000 SQFT or greater must be required to comply with water quality regulations.

15. Applicant must apply for a Right-of-Way permit for work being performed in the public Right-of-Way. The plan provided for the right of way application must show the installation of a new driveway located along the frontage of APN 219-140-14 and the reconstruction of an existing driveway located along the frontage of APN 219-140-23. The driveway located along APN 219-140-14 must not exceed thirty feet (30') in width. The driveway located along APN 219-140-23 must not exceed thirty five feet (35') in width.
16. The site plan must include a striping plan identifying on site circulation and must include specification and location of directional signage. Circulation must be identified as one-way, with site ingress at the northern driveway (APN 219-140-14) and egress at the shared driveway on APN 219-140-23. Engineering Division must approve the plan.
17. Under separate permit, the applicant/developer must submit landscape plans to the Planning Division for review and approval per the following requirements:
 - a. Final landscape plans must incorporate the landscape modifications as required herein.
 - b. Final landscape and irrigation plans must be prepared by a licensed landscape architect. Landscape plans shall incorporate all modifications as conditioned.
 - c. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee is four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved plans. All submitted estimates must be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
 - d. Landscape plans must contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system must include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The landscape plan must list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
 - e. Plant material and irrigation design, as well as reporting requirements, shall comply with the City's landscape Water Efficiency Ordinance, Section 20.82 of the San Marcos Municipal Code.
 - f. The applicant/developer applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of

fertilizers, herbicides and pesticides.

- g. The placement of plants must be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division and/or Landscape District Supervisor. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections
- 18. The existing palm trees and landscaping must be trimmed/cleaned up to the satisfaction of the Planning Director.
- 19. All exterior lighting shall comply with City standards for energy efficient lighting as approved by the City.
- 20. Plans must identify where the site address must be located for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vandalism, loitering, etc.).
- 21. The applicant/developer must submit a Comprehensive Sign Program to the Planning Division for review and approval.

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

- 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. 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.
- 3. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.

4. The Applicant must implement control plan for all phases of construction approved by the required right-of-way permit.
5. At least one copy of the approved plans, approval letters and conditions of approval must be available for review at the job site at all times.
6. The project shall comply with Regional Air Quality Standards.

M. Prior to occupancy of any structure, the following conditions shall be complied with:

1. All CNG equipment (i.e., storage spheres, gas dryer, etc.) must be screened from view from street grade in accordance with the approved building plans. Said screening mechanism will be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Director.
2. All landscaping/irrigation must be inspected and approved by the Planning Division and/or Public Works Manager or designee. The applicant/developer is responsible to contact the Planning Division for landscaping inspection.
3. The applicant must submit a Certificate of Completion (in hard copy and electronic format) prepared and signed by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.
4. Applicant must have completed the installation of driveways as permitted by the approved Right-of-Way permit.
5. Annexation proceedings with respect to Community Facility Districts must have been completed. No occupancy shall be granted prior to the canvassing of the election results for all applicable Community Facility Districts.
6. Applicant must resurface the project area to be serviceable condition to the satisfaction of the City Engineer.
7. Building address must be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
8. The proposed development must satisfy the conditions of approval prior to occupancy. The applicant/developer shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Building Division.

N. The driveway located along the frontage of 219-140-52, located approximately one hundred sixty feet (160') north of La Mirada Drive, must be operated only as an emergency access

point. A gate must be retained at the location of the driveway and signage on both sides of the gate with a "For Emergency Use Only" clearly printed on the signs. The gate must have a Knox box and be maintained at a twenty foot (20') wide gate.

- O. The driveway located along APN 219-140-14 must only allow for ingress from Las Posas Road. Signage must be maintained that clearly indicates this driveway as an entrance to the project. No egress from the project will be allowed at this location.
- P. The CNG fuel station must be maintained free of litter and cleaned up by the applicant/operator on a routine basis during business hours.
- Q. The applicant must obtain building permits to construct the Phase II (or "Future") structures identified on the site plan (i.e., concrete island 3 and 4, CNG dispensers, card readers, etc.). A Certificate of Occupancy must be granted prior to operation of the Phase II improvements.
- R. The applicant shall obtain a City of San Marcos Business License.
- S. All trees and landscaping must 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.
- T. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
- U. Use of the site shall be conducted so as not to become obnoxious by reason of noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
- V. 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.
- W. This Conditional Use Permit shall expire on September 2, 2015 unless a building permit is obtained by this date and construction has begun in accordance with the submitted plans.
- X. 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 2nd day of September, 2014, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION