

RESOLUTION NO. 2025-9483

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS APPROVING A CONDITIONAL USE PERMIT FOR A FOR THE TEMPORARY USE OF A ROCK CRUSHER DURING GRADING OPERATIONS WITHIN THE WOODWARD 46 SPECIFIC PLAN AREA (SPA) ZONE

CUP22-0005
Cornerstone Communities

WHEREAS, on November 15, 2022, the City received an application from Cornerstone Communities requesting a Conditional Use Permit to allow for the temporary use of a rock crusher during grading operations on a 8.6-acre site located on the east side of Woodward Street, approximately 235 feet north of Mission Road, in the Richland Neighborhood more particularly described as:

Parcel B of Certificate of Compliance Recorded February 29, 2008 as Instrument No. 2008-0107275 of Official Records and more particularly described as Lot 5 in Block 52 of Rancho Los Vallecitos de San Marcos, according to Map thereof No. 806, filed December 21, 1895 in the Office of the County Recorder of San Diego County, excepting therefrom the southerly 233 feet of said Lot 5, measured concentric to the northerly right-of-way of Mission Road thereof.

Assessor's Parcel Number(s): 220-210-49-00; and

WHEREAS, the Conditional Use Permit is being requested in conjunction with a Specific Plan (SP22-0005) to establish rules and regulations for the development of the project site; a Specific Plan Amendment (SP22-0006) of the Heart of the City Specific Plan to change the sub-plan designation from "Richmar Specific Plan" to "Woodward 46 Specific Plan" for the subject property; a General Plan Amendment (GPA22-0004) to amend the land use maps and text related to Specific Plan changes in the Land Use Element; a Multi-Family Site Development Plan (MFSDP22-0005) for design review of a residential condominium complex; and a Tentative Subdivision Map (TSM22-0004) for a 46-unit condominium map; and

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

WHEREAS, on August 30, 2023, the City held an Environmental Impact Report (EIR) Scoping Meeting to provide an overview of the project Notice of Preparation, in accordance with CEQA Guideline Section 15083, and Public Workshop with the general public; and

WHEREAS, on June 16, 2025, the San Marcos Planning Commission held a duly noticed public hearing and recommended approval of said request and the appropriate environmental document for said request to the City Council by a 6-0 vote in favor; and

WHEREAS, on September 9, 2025, the City Council held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the City Council did review and consider an Environmental Impact Report (FEIR23-005) (SCH No. 2023080449) for said request pursuant to the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, the City Council does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The City Council hereby approves this Conditional Use Permit for rock crusher operations on the 8.6-acre site 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. This Conditional Use Permit (CUP22-0005) is approved in conjunction with the submitted Specific Plan (SP23-0005), Specific Plan Amendment (SP22-0006), General Plan Amendment (GPA22-0004), Multi-Family Site Development Plan (MFSDP22-0005), and Tentative Subdivision Map (TSM22-0004), and all conditions of approval specified in Ordinances 2025-1563, 2025-1564 and Resolutions Numbers: 2025-9480, 2025-9481, 2025-9482, 2025-9483 respectively, which documents are incorporated herein by this reference; and the mitigation measures in Environmental Impact Report (FEIR23-005) (Resolution No. 25-9479) 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 City Council's decision is based on the following findings and determinations:
 - 1. Approval of the Conditional Use Permit would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood, in that the proposed project incorporates construction design features, and project mitigation to shield the rock crusher's line-of sight with a barrier consisting of walls, earthen berm and acoustical blankets, which would reduce noise from the rock crusher.
 - 2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan, the purpose and intent of the applicable Zone and the character of any applicable Specific Plan, in that the proposed temporary rock crushing operations would allow the grading of building pads, construction of a soil-nail wall and internal streets consistent with the established Specific Plan Area (SPA) designation and the amendment into the Woodward 46 Specific Plan. As a result, the project will be consistent with its goals and policies.
 - 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 to be located, in that the proposed project proposes the temporary use of a rock crusher for grading, the creation of pads, internal roadways, and construction of retaining walls to create a site similar to the

adjacent Mission 316 multifamily development and therefore would ultimately be compatible with existing and future land uses in the vicinity.

4. The conditions imposed are necessary to protect the best interests of the surrounding property and neighborhood or to lessen or prevent any detrimental effect, in that the proposed temporary rock crushing will be set back at least 300' from any sensitive receptors and will be required to construct a noise barrier of specified height, earthen berms, absorbing materials and have operational limits on crushing usage to reduce noise levels. In addition, on-site acoustical monitoring and measurements are required to ensure compliance with the City's noise thresholds.
 5. All requirements of CEQA have been met, in that the Environmental Impact Report prepared for the project includes mitigation which reduce impacts associated with the temporary rock crusher to below significant. Mitigation incorporates shielding of the rock crusher with a barrier consisting of walls, earthen berm and acoustical blankets, which would reduce noise from the rock crusher. Further operations will be monitored to ensure applicable noise thresholds at adjacent noise sensitive receptors are not being exceeded and along with operational limits incorporated into the Conditional Use Permit Conditions of Approval.
- E. This Conditional Use Permit is within the scope of the Environmental Impact Report (FEIR23-005) (SCH No. 2023080449) and the mitigation monitoring and reporting program, pursuant to CEQA.
- F. Within thirty (30) days of the approval of the Conditional Use Permit (CUP22-0005) the approved site plan, shall be submitted as a digital file on a CD including this Resolution number on the title page. The 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 No. 2020-9483." 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 submittal of any grading plan, improvement plan, or building permit.
- G. This Conditional Use Permit approval shall lapse and be null and void one (1) year following the date upon which the plans and drawings were approved by the review authority unless prior to the expiration of one (1) year, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- H. 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 as authorized by the Woodward 46 Specific Plan, 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.

- I. 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, equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- J. 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 City Council of the City of San Marcos, California, at a regular meeting thereof, held on this 9th day of September 2025, by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Rebecca D. Jones, Mayor

ATTEST:

Phillip Scollick, City Clerk

ATTACHMENT(S):

EXHIBIT A – Conditions of Approval
EXHIBIT B – Rock Crusher Location

EXHIBIT A
RESOLUTION 2025-9483
CUP22-0005
Conditions of Approval

- A. Prior to reliance on this Conditional Use Permit, the applicant/developer shall comply with the following conditions:
1. A maximum of one (1) rock crusher shall be permitted to operate on site and limited to the location as shown in Exhibit B.
 2. The project should utilize construction equipment with an engine designation of EPA Tier 2 or better. All rock crushing equipment should maintain applicable misting systems to eliminate fugitive dust generation. Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines (estimated 20% reduction in total emissions with retarded ignition timing and pre-combustion chamber).
 3. The applicant/developer shall submit any necessary permit applications to the San Diego Air Pollution Control District ("APCD") for compliance with proper equipment and operating regulations and procedures. Project-related rock crushing and power generation equipment may be subject to requirements for an air quality permit, specifically an Authority to Construct and Permit to Operate, with permit conditions to ensure compliance with air-related regulatory requirements. However, depending on the project characteristics and the length of time the equipment will be located on the project site, equipment with a Certificate of Registration pursuant to the California Air Resources Board Portable Equipment Registration Program or APCD Rule 12.1 (Portable Equipment Registration) may be used in lieu of permitting. All required permits shall be readily available at the construction trailer upon request by the agency inspectors.
 4. The applicant/developer shall submit a copy of all APCD permits (and all related conditions) to the Planning Division.
 5. The applicant/developer shall be responsible to comply with the mitigation monitoring and reporting program per the Final Environmental Impact Report (FEIR23-005) (State Clearinghouse No. 2023080449) prepared for the Woodward 46 Specific Plan project.
 6. If phasing is proposed, a construction phasing plan shall be submitted for all phases requiring crushing activities. The phasing plan shall be submitted and approved by the City Engineer and Planning Division Director. The phasing plan may be subject

to further conditions.

7. The applicant/developer shall provide proof to the City that adequate construction parking, through submittal of a construction parking plan, is provided off-street. Said construction parking plan shall be to the satisfaction of the City.
 8. The applicant/developer shall post cash securities to the City of San Marcos, in the amounts approved by the City Attorney and the City Engineer or their designees to cover cost of any potential damage resulting from the rock and/or debris crushing activities.
- B. Prior to operation of the temporary rock crushing equipment, the following conditions shall apply:
1. A grading permit shall be issued on the project site prior to operation of the temporary portable rock crusher.
 2. Prior to issuance of a grading permit, the applicant/developer shall provide the final location and rock crusher type to the Planning Division. If the rock crusher is shown to be located within 400 feet of a residential use without shielding, an acoustical engineer shall prepare a noise assessment to determine whether noise levels would be above the applied thresholds of 60 dBA at any existing single family residential use and 65 dBA for multi-family.

If the rock crushing noise assessment determines noise levels at the affected property lines would exceed the standards, the acoustical engineer shall develop a mitigation plan to reduce noise levels to 60 dBA at any existing single-family use and 65 dBA at any existing multi-family use. Mitigation may include sound barriers, sound absorbing materials and/or operational limits on the crusher equipment's usage. The mitigation plan shall be submitted to the Planning Division for review and approval prior to grading permit issuance, and shall be implemented by the applicant/developer.
 3. The applicant/developer shall submit a certificate of insurance and endorsements thereon satisfactory to the City Attorney for Commercial General Liability insurance coverage, with products/completed operations coverage, such insurance to be primary and without contribution from City's insurance, and shall include a waiver of subrogation rights as against additional insured's, naming the City of San Marcos and the San Marcos Fire District as additional insured's for both personal injury and property damage as a result of the operation and transport of material to and from the site, and/or any activities of permittee, its employees, contractors and agents related to the reclamation process. The amount of insurance coverage shall be determined by the City Attorney and Risk Director. Cross-liability exclusions shall be prohibited and such policy and endorsements may not contain any provision which prohibits named additional insured's from paying a self-insured retention or deductible in the

event of the insured's failure to do so. The liability insurance amount shall be reviewed yearly based for changes in inflation rates and/or reassessment of insurance requirements by the City Engineer and City Attorney and upgraded if deemed necessary.

4. The applicant/developer shall post signs at visible locations along Woodward Street for the public to call if there is a complaint or issue related to the rock crushing operation.
5. All debris shall be disposed of off-site, in accordance with current local, state, and federal disposal regulations. When debris is removed, care shall be taken to look for potential hidden hazardous materials within the piles. Should hazardous materials be identified, disposal shall be in accordance with all federal and state regulations.
6. The applicant/developer shall submit a copy of the APCD "Authority to Construct." The permittee shall submit a copy of the APCD "Permit to Operate." All APCD "Authority to Construct" and "Permit to Operate" conditions of approval are hereby incorporated by reference and shall be on file with the conditions of approval.
7. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented during crushing operations.

C. During the operation of the rock crushing equipment, the following conditions shall apply:

1. All contractors shall adhere to the San Diego Air Pollution Control District rules and regulations.
2. The application of water or other means of dust control shall be performed to the satisfaction of the Engineering Inspector and the Public Works Director. 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.
3. Fugitive dust shall be controlled as required by the latest adopted Air Pollution Control District fugitive dust restrictions.
4. The applicant/developer shall submit a dust report that identifies mitigation measure to prevent dust generated by rock crushing, grading and blasting from affecting adjacent properties. The report shall include the supervision of operations when wind speeds will carry dust to adjacent roadways and surrounding properties.
5. The applicant/developer shall comply with all requirements from the San Marcos Fire District and the City of San Marcos Building Division.

6. Weed, natural brush and other combustible vegetation shall be kept in an abated state at all times on site and adjacent to existing residential.
7. The applicant/developer shall submit and obtain approval from the Engineering Official for dust mitigation measures. The applicant/developer shall submit a dust mitigation program to the Engineering Official for approval. Access road shall be watered as often as required to keep the access road from drying and generating dust during the grading process.
8. All construction operations authorized by grading permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 4:30 PM on Monday through Friday. No work shall be conducted on weekends or holidays observed by the City of San Marcos. Failure to comply with result in the issuance of citations. Citations required a mandatory court appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.
9. The applicant/developer shall cover all equipment surface areas with a rubberized material impacted by rock impact, except for the metal deck screens.
10. All hydraulic breaking of oversized materials requiring to be sized for processing through the crushing equipment shall be processed within an earthen berm and line of sight improvements to attenuate noise.
11. Upon field verification, once all temporary rock crushing equipment is set in place, additional screening may be deemed necessary by the Planning Division Director.
12. The rock crusher shall have an automatic operating water spray system to maintain adequate moisture on raw material feed and finished material discharge. Adjustments to the spraying system may be deemed necessary by the Public Works Inspector to affectively reduce dust.
13. During the operation of the temporary rock crusher, the applicant/developer shall not create dust clouds that are visible beyond the property line and that a sign be posted that contains both the name and phone number of the contractor/builder representative for dust control, as well as for the San Diego County APCD to send an inspector in case of violations of the opacity regulation.
14. Any required noise barriers shall remain in place for the entire time frame that the temporary rock crusher and material separator is in operation to attenuate the noise. At the appropriate time, barriers will be removed concurrently with the rock crusher and the material separator.

15. The applicant/developer shall be responsible for conducting the temporary rock crusher use in a manner as not to become obnoxious by reason of noise, refuse matter, odor, dust, smoke, maintenance of grounds and buildings, or to have a detrimental effect on the surrounding properties and improvements.
 16. No rock material shall be imported from outside the area covered by the grading permit "Project Area" to be processed by the rock crusher.
 17. The applicant/developer is prohibited from selling any crushed material from this site.
 18. A permit shall be obtained from the San Marcos Fire Department for the storage of any flammable liquid material. An all-weather access road shall be constructed to the storage location to the satisfaction of the Fire Marshal.
 20. The applicant/developer shall obtain any required OSHA permits in accordance with the California Code of Regulations, Title 8, Section 1503.
 21. The applicant/developer shall comply with all City ordinances and regulations applicable to the rock crushing operations authorized by the CUP, except that the conditions of this CUP shall apply if they are deemed more restrictive than those contained in the City ordinances and regulations.
 22. The permitted uses shall be conducted in such a manner as not to become detrimental; for reasons of noise, traffic, odor, or dust; to the health, safety, and general welfare of the persons residing or working in the vicinity.
 23. All maintenance and repair shall be limited to after operations up to 8:30 p.m., Monday through Friday and 11:00 a.m. to 3:00 p.m. on Saturday. Any complaints regarding excessive noise coming from the site associated with maintenance and repair shall be reviewed and investigated by the City. If it is determined necessary, the Planning Division Director shall have the authority to further reduce or eliminate the hours of maintenance and repair.
 24. The applicant/developer must comply with all conditions of approval for dust control required by the APCD permit.
- D. If the applicant/developer is relying on blasting as part of this operation, the following conditions shall be complied with:
1. Prior to issuance of a blasting permit, the applicant/developer shall provide the final location of the construction equipment, topography and construction schedule to the Planning Division. If the rock drill is shown to be located within 160 feet from a sensitive land use's property line, an acoustical engineer shall prepare a noise assessment to determine whether noise levels in excess of the 75 dBA standard

would occur during construction.

If the rock drilling and blasting noise assessment determines noise levels at the affected property lines would exceed 75 dBA, the acoustical engineer shall develop a mitigation plan to ensure during rock drilling and blasting would be below 75 dBA at the property line. Potential measures to reduce drilling and blasting noise levels could include: 1) construction of a temporary noise barrier of solid non-gaping material ranging from 8 to 12 feet in height along any property line where the impacts could occur; 2) limits on usage of the equipment (amount of time used and/or the location in respect to the property line) or other measures to ensure the levels would be below 75 dBA. The mitigation plan shall be submitted to the Planning Division and implemented by the applicant/developer.

2. The general contractor or applicant/developer shall give reasonable notice in writing at the time of issuance of a building permit, grading permit, or encroachment license to all residence or businesses within 600 feet of any potential blast location. The notice shall be in the form approved by the Building Official. Any resident or business receiving such a notice may request of the Building Official that a notice of impending blasting be given by the blaster at the time of the 12 hour advance notice given to the Building Official. The general contractor or applicant/developer shall make all reasonable efforts to contact any and all parties requesting the second notice.
3. The blaster shall file a written certification with the Building Official certifying that the general notice required by Section 17.60.060(b) has been given. The certification shall include addresses and date(s) of notification. A copy shall be retained on file at the Building Division.
4. Inspections of all structures within 300 feet of the blast site shall be made before blasting operations. The persons inspecting shall obtain the permission of the building owner to conduct the inspection. The inspections shall be done by a registered structural engineer employed by the blaster or project contractor. The inspection shall be only for the purposes of determining the existence of any visible or reasonably recognizable pre-existing defects or damages in any structure. Inspection refusal shall be at the discretion of the property owner.
5. Blasting shall only be permitted between the hours of 9:00 A.M. and 4:00 P.M. during any weekday, Monday through Friday, exclusive of City recognized holidays unless special circumstances warrant another time or day and special approval is granted by the Building Official and Fire Chief.

EXHIBIT B

Rock Crusher Location within project boundaries

