

A RESOLUTION OF THE SAN MARCOS CITY PLANNING COMMISSION
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN AMENDMENT
TO THE HEART OF THE CITY SPECIFIC PLAN & ADOPTION OF THE RANCHO
CORONADO RESIDENTIAL DEVELOPMENT AND DESIGN STANDARDS

Case No. SP 15-007 (P15-0063)
Brookfield Southern California Land, LLC

WHEREAS, an application was received from Brookfield Southern California Land, LLC, requesting an amendment to the Heart of the City Specific Plan and adoption of the Rancho Coronado Residential Development and Design Standards for TSM 15-006 located on approximately 253 acres of vacant land south of Craven Road and west of Twin Oaks Valley Road, more particularly described as:

Parcel 2 of Parcel Map No. 18890, in the City of San Marcos, County of San Diego, State of California, filed in the office of the County Recorder of San Diego, January 22, 2003 as instrument No. 02-0054221 of official records.

APN: 222-080-09-00, 222-080-59-00, 222-180-27-00, 222-190-13-00, 222-190-14-00, 222-170-28-00, 221-091-21-00, & 679-020-04-00

WHEREAS, on April 7, 2014 Planning Commission recommended approval of SP 13-006 (Resolution PC 14-4405), TSM 13-004 (Resolution PC 14-4397), and Mitigated Negative Declaration ((ND 14-001) to City Council; and

WHEREAS, on May 13, 2014 the City Council approved SP 13-006 (Ordinance No. 2014-1392), TSM 13-004 (Resolution No. 2014-7916), and adopted Mitigated Negative Declaration ((ND 14-001) pursuant to the California Environmental Quality Act; and

WHEREAS, on August 24, 2015 a new application was received and the Development Services Department did study and recommend approval of said application request for SP 15-007 (PC 15-4497), TSM 15-006 (PC 15-4498), SDP 15-009 (PC 15-4499), and CUP 15-006 (PC 15-4500); and

WHEREAS, on September 3, 2015 a public workshop with the general public was conducted; and

WHEREAS, the required public hearing held on November 16, 2015 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission now recommends approval of the 2015 Addendum to the previously adopted Mitigated Negative Declaration (MND 14-001) on said request pursuant to the California Environmental Quality Act; and

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

1. The proposed modification of the Heart of the City Specific Plan would encourage the orderly development of the site area as established by the adopted General Plan update of 2012 in the Barham/Discovery Community Plan area, in that the project proposes the development of 346 residential units, 129 acres of preserved open space, and land dedication of approximately 38 acres future city community park.

AGENDA ITEM

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2. The proposed modification of the Heart of the City Specific Plan would comply with the goals and objectives of the General Plan Land Use and Community Design Element, Mobility Element, Parks, Recreation, and Community Health Element in that the project has been conditioned to implement a complete street collector including traffic calming design elements such as roundabouts, bulb outs, center medians, and the extension of Santa Barbara providing direct access to Twin Oaks Valley Road which would also provide access to the future community park. For the pedestrian and cyclists, there will be bike lanes, new sidewalks, landscape, and multiple trail connections encouraging pedestrian access/movement throughout the Rancho Coronado Specific Plan area.
3. The proposed amendment to the Heart of The City Specific Plan, as revised per staff's recommended conditions for TSM 15-006 and the Rancho Coronado Residential Design Guidelines, complies with the goals and objectives of, and is consistent with, the adopted General Plan and all applicable components of the General Plan within the Barham/Discovery Community Plan area.
4. The Heart of the City Specific Plan Amendment, as revised per staff's recommended conditions, will not be detrimental to the public health, safety, or welfare, or the surrounding land uses in the area in that the proposed amendment establishes design guidelines for the proposed site planning, home types, architecture, and landscaping standards for the future development of this site.
5. The Rancho Coronado Residential Development & Design Standards meets all criteria, as conditionally approved, per the Heart of the City Specific Plan pursuant to Government Code Section 65451.

NOW THEREFORE, the Planning Commission of the City of San Marcos resolves as follows:

1. The foregoing recitals are true and correct.
2. The modifications to the Heart of the City Specific Plan (Attachment "A") and adoption of the Rancho Coronado Residential Development & Design Standards (Attachment "C") are hereby recommended for approval to the City Council as attached and per the attached Errata sheet (Attachment "B").

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 16th day of November, 2015 by the following roll call vote:

YES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

Attachments:

- “A” - Heart of the City Specific Plan (HOC SP)
- “B” - Errata (HOC SP)
- “C” - Rancho Coronado Residential Development & Design Standards

Attachment "A"
Heart of the City Specific Plan

Attachment "B"

ERRATA SHEET FOR HEART OF THE CITY SPECIFIC PLAN (SP 15-007)

(Comments pertain to version date stamped by City on October 19, 2015)

Cover Sheet	At bottom of page add the official date of approval for proposed amendments under SP 15-007
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Attachment "C"
Rancho Coronado Residential Development & Design Standards

RESOLUTION PC 15-4498

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A REVISED TENTATIVE SUBDIVISION MAP (TSM 15-006) FOR CONSTRUCTION OF A MAXIMUM OF 346 CONDOMINIUM RESIDENTIAL UNITS ON A MAXIMUM OF 222 LOTS (RESIDENTIAL(184 LOTS), MU4 PAD (1 LOT), PRIVATE COMMON (16 LOTS), FUTURE PARK (1 LOT), OPEN SPACE (6 LOTS), PRIVATE/INTERIOR STREETS (14 LOTS), APPROXIMATELY 126 ACRES TO REMAIN AS OPEN SPACE AND APPROXIMATELY 38 ACRES TO BE DEVELOPED AS PARKLAND WITHIN THE HEART OF THE CITY SPECIFIC PLAN

Case No. TSM 15-006 (P15-0063)
Brookfield Southern California Land LLC.

WHEREAS, on August 24, 2015 an application was received from Brookfield Southern California Land LLC, requesting a Tentative Subdivision Map (TSM 15-006), Specific Plan Amendment (SP 15-007), Site Development Plan (SDP 15-009) & Conditional Use Permit (CUP 15-006) to develop of up to 346 residential units and approximately 126 acres of open space located on approximately 253 acres of vacant land south of Craven Road and West of Twin Oaks Valley Road within the Heart of the City Specific Plan, more particularly described as:

Parcel 2 of Parcel Map 18890, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, January 22, 2002 as instrument No. 02-0054221 of Official Records.

Assessor Parcel Numbers: 222-080-09-00, 222-080-59-00, 222-180-27-00, 222-190-13-00, 222-190-14-00, 222-170-28-00, 221-091-21-00, & 679-020-04-00

WHEREAS, on April 7, 2014 Planning Commission recommended approval of SP 13-006 (Resolution PC 14-4405), TSM 13-004 (Resolution PC 14-4397), and Mitigated Negative Declaration ((ND 14-001) to City Council; and

WHEREAS, on May 13, 2014 the City Council approved SP 13-006 (Ordinance No. 2014-1392), TSM 13-004 (Resolution No. 2014-7916), and adopted Mitigated Negative Declaration ((ND 14-001) pursuant to the California Environmental Quality Act and was approved for 346 dwelling units consisting of various product types including front-loaded and alley-loaded single family detached, alley-loaded paired (duplex) and alley-loaded courtyard homes. The project included approximately 22 acres of MU-4 (non-residential mixed use which allowed commercial, office professional and business park uses) in the southern portion of the project site, adjacent to Twin Oaks Valley Road. The project was also approved for the future site of a 38 acre City park and approximately 126 acres of preserved open space; and.

WHEREAS, on August 24, 2015 an application was received and the Development Services Department did study and recommend approval of said application request for SP 15-007 (PC 15-4497), TSM 15-006 (PC 15-4498), SDP 15-009 (PC 15-4499), and CUP 15-006 (PC 15-4500) and the proposed changes will retain the same 346 unit count and the overall acreage will be in substantial

conformance with the previous entitlements. The architectural revisions proposed the replacement of the attached duplex and alley loaded residential units with detached residential product types under a single family and a two to eight cluster concept. The project includes approximately 22 acres of MU-4 (non-residential mixed use which allows commercial, office professional and business park uses) in the southern portion of the project site, adjacent to Twin Oaks Valley Road. The project also allows for the future site of a 38 acre City park and approximately 126 acres of preserved open space; and

WHEREAS, the Development Services Department held a public workshop on September 3, 2015 for the proposed project; and

WHEREAS, the required public hearing held on November 16, 2015 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider and recommends approval of a Mitigated Negative Declaration ((ND 14-001) Addendum 2015) on said request pursuant to the California Environmental Quality Act; and

WHEREAS, the Planning Commission has considered said Tentative Subdivision Map and the recommendation of its staff, the City Engineer, the Director of Public Health, the Director of the Department of Sanitation and Flood Control, and the Chief of the San Marcos Fire Department with respect thereto, and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, standards, and improvements and design requirements of the City of San Marcos; and

WHEREAS, the applicant/developer proposes to file a Final Map on said subdivision; and

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

1. Said Tentative Subdivision Map (TSM 15-006) complies with the adopted Heart of the City Specific Plan (SP 15-007).
2. The proposed map is consistent with the General Plan in that it includes a city park and residential product type totaling up to 346 units and that it complies and/or implements the land use designations for open space, a recreational trail corridor and density as indicated in the Land Use & Community Design Element, Parks, Recreation Community Health Element, Conservation Open Space Element as well as implementation of the Mobility Element relative to major thoroughfares and road systems.
3. The site is physically suitable for this type of subdivision;
4. The design of this subdivision and improvements will not cause public health problems;
5. The design or improvements will not conflict with any easements acquired by the public at large for access;

6. The proposed Tentative Subdivision Map (TSM 15-006) is in conformance with the goals, policies and objectives of the adopted Heart of the City Specific Plan, in that the design guidelines will result in a quality housing product blending in with the constraints of the site which insures better compatibility with the surrounding area.
7. The proposed Tentative Subdivision Map (TSM 15-006), as conditioned, will not be detrimental to the public health, safety, morals and welfare in that adequate public facilities and infrastructure including fire, police, water, sewer, drainage, and road capacity are being provided.
8. Pursuant to Government Code section 51084, the Planning Commission makes the following findings:
 - a. The preservation of a portion of the land as open space is consistent with the City's adopted General Plan and with the objectives of the General Plan; and
 - b. The preservation of a portion of the land as open space is in the best interest of the city and is important to the public for the enjoyment of scenic beauty, for the use of natural resources, for recreation, or specifically because one or more of the following reasons exists:
 - i. It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.
 - ii. The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

- A. The foregoing recitals are true and correct.
- B. Said Tentative Subdivision Map (TSM 15-006) complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Mitigated Negative Declaration ((ND 14-001) Addendum, 2015) is recommended for adoption pursuant to the California Environmental Quality Act covering potential impacts of the Tentative Subdivision Map.
- D. Said Tentative Subdivision Map (TSM 15-006) is hereby recommended for approval, pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this Resolution.
- E. The approval of this revised Tentative Subdivision Map (TSM 15-006) expires within 18 months from date of approval. The Final Map conforming to this conditionally approved Tentative Subdivision Map (TSM 15-006) shall be filed with the City Council in time so that the Council may approve said maps before their expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map,

or as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the applicant/developer's responsibility to track the expiration date. Failure to request an extension will result in a refiling of the Tentative Subdivision Map and new processing of the map.

F. The Tentative Subdivision Map is approved in conjunction with the submitted Specific Plan Amendment (PC Resolution 15-4497), Site Development Plan (PC Resolution 15-4499), and Conditional Use Permit (PC Resolution 15-4500).

G. General Provisions:

1. Prior to submittal of any development permit (i.e. plan check, building permit, grading permit or within 180 days of the approval of the tentative map, whichever occurs first, the revised tentative map, landscaping plan, architectural elevations, etc. shall be submitted as original mylars along with a mylar of this resolution as a title page. This title page shall include the statement "I (we), _____, the owner(s) or the owner's representative, have read, understand and agree to the conditions of the City Council approving TSM 15-006." 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 City's Planner and Civil Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.
2. The subdivider shall ensure prospective buyers sign disclosures identifying the property as being within the City's Community Facilities District for which there are additional tax assessments.
3. Developer/Applicant 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.
4. No engineering permit shall be construed as providing exemption to applicable or adopted city standards. Any changes or modifications to City adopted, obligatory, or conditioned standards shall not occur without the explicit permission of the City Engineer or his designee. Where these standards are in conflict Developer/Applicant shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this project of issuance of an engineering permit.
5. Unless a standard variance has been issued, or allowed by the adopted Specific Plan, no variance from City Standards is authorized by virtue of approval of this tentative map.
6. The applicant shall obtain State Division of Safety of Dam (DSOD), Vallecitos Water District (VWD) and City of San Marcos approval of the South Lake Dam ultimate

spillway construction documents. The construction of the ultimate South Lake spillway drainage course must be completed prior to the issuance of the first building permit on the MU-4 site.

7. All storm drains conveying public drainage shall be public and shall be constructed with reinforced concrete pipe (RCP) unless otherwise approved by the City Engineer.
8. The alignment and terminal point of storm drains shown on the tentative map shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.
9. Public drainage easements shall be depicted on all public storm drains and their widths shall comply with the latest County of San Diego Drainage Design Manual. Additional access easements shall be provided when necessary to ensure adequate access to the storm drain facilities by the responsible maintenance party.
10. Any private improvements within the public street right of way or easements will require City approval and recordation of an encroachment permit. Said permit shall be to the satisfaction of the City Attorney.
11. The exact alignment, width and design of all median islands, turning lanes, travel lanes, driveways, striping, and all other traffic control devices and measures, including turnouts, bike lanes, and width transitions, shall be approved by the City Engineer.
12. For new traffic signals or signal modification(s), an in-lieu fee will be required for development of a traffic signal timing plan. Said fee shall be to the satisfaction of the City Engineer.
13. The design of all private streets and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City of San Marcos Standards based on R-value tests. All private streets and/or drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City prior to approval of the Final Map for this project.
14. The exact depth of street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria". All existing streets shall be "core tested" to determine the existing structural section and the extent of overlay or reconstruction necessary to achieve the required structural section described above. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
15. 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.

16. The applicant/developer 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, street improvements, traffic signals, storm drain facilities, water quality BMP's, 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 insure the construction of the "Approved" public improvements within a period to be specified in the Subdivision Improvement Agreement. For grading securities, the City may require 10% of said securities to be in the form of cash. Improvements securities shall be approved by the City prior to approval of a final map. Grading securities shall be approved by the City prior to issuance of a grading permit.
17. The Homeowner's Association is required to provide written notification to the City when they assume water quality BMP maintenance responsibilities from the Developer.
18. The applicant/developer shall comply with all regulatory permit requirements associated with this development project.
19. All development standards shall be complied per the approved Rancho Coronado Residential Development & Design Standards manual as adopted under SP 15-007.
 - a. Developer/applicant shall review and comply with all mitigation measures listed in Mitigated Negative Declaration ((ND 14-001) Addendum 2015) and satisfy the mitigation monitoring program.
20. Applicant /developer shall comply with all conditions as approved in SP 15-007, SDP 15-009, and CUP 15-006 per Resolutions incorporated herein.
21. Prior to any development on Lot 195(MU4), a Specific Plan Amendment must be approved along with a design manual to establish design criteria for future development on Lot 195(MU4).

H. Prior to any construction or activity on-site, the applicant/developer shall comply with the following conditions:

1. Prior to commencing project construction or any activity on-site, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation.
2. At least 30 days prior to grading, the Project Applicant shall execute a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional

Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.

3. Potential direct impacts to bird species covered under the MBTA will be mitigated by restricting brushing and grading to outside of the breeding season of most bird species (general breeding season is February 15 to August 31). Grubbing, grading, or clearing during the breeding season of MBTA covered species could occur if it is determined via a pre-construction survey that no nesting birds (or birds displaying breeding or nesting behavior) are present immediately prior to grubbing, grading, or clearing and will require approval of the City that no breeding or nesting avian species are present in the vicinity of the grubbing, grading, or clearing. The City shall be notified of any sensitive bird species identified during the pre-construction surveys.
4. Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the selected contracted Luiseño Tribal monitor. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Cultural Resource Treatment and Monitoring Agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. Applicant/developer must acquire all necessary regulatory clearance from agencies.
5. The clearing and grubbing of sensitive habitats shall occur outside of the bird breeding season (February 15 to August 31), unless a qualified biologist demonstrates to the satisfaction of the City and the Wildlife Agencies that all nesting is complete. The qualified biologist would need to be federally permitted for coastal California gnatcatcher if the habitat being cleared has potential to support these species.
6. A biological monitor shall be on-site when habitat is being cleared, and/or construction activities are occurring within 100 feet of a Biological Open Space Easement boundary. Permanent signs must be placed every 100 feet along the fence bordering the preserve. The signs must be corrosion resistant, no less than three feet above the ground surface, have minimum dimensions of 6" x 9", and must state the following: Sensitive Environmental Resources, Disturbance Beyond this point is Restricted, By Easement, Information: Contact (Name of Conservancy)
7. An archeological monitor and a Native American monitor shall be present during the earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.

8. If project grading (other than clearing and grubbing of sensitive habitats) is necessary and adjacent to preserved on-site habitat during the bird breeding season (February 15 to August 31), a qualified biologist shall conduct pre-construction surveys in the adjacent habitat for the coastal California gnatcatcher and nesting raptors. The survey shall begin not more than three days prior to the beginning of grading activities. The Wildlife Agencies shall be notified if the gnatcatcher is observed nesting within 300 feet of proposed grading or if raptors are observed nesting within 500 feet of proposed grading activities. No activities which would result in levels exceeding 60 dBA hourly within this buffer shall be allowed. If grading activities are not initiated prior to the breeding season, and any of these species are present, and noise levels exceed this threshold, noise barriers shall be erected to reduce noise impacts to occupied habitat to below 60 dBA hourly Leq and/or the activities shall be suspended. Impacts resulting from noise for non-listed species other than raptors are not considered significant, and mitigation is not warranted.
9. The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition. All cultural materials that are collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods, and human remains which will be addressed in the Treatment Agreement required in MM-CR-3, shall be tribally curated according to the current professional repository standards by the Rincon Tribe. The collections and associated records shall be transferred, including title, to the Rincon Tribe.
10. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Manager shall be appealable to the Planning Commission and/or City Council.
11. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The

NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery.

12. The most likely descendants(s) shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in MM-CR-3.

13. Prior to project grading, a temporary perimeter fencing shall be installed to separate the proposed development and the fuel management zones from any Coastal Sage Scrub (CSS) areas to those areas preserved under the Habitat Loss Permit (HLP). The removal of temporary fencing is only to occur after all clearing and construction has been completed.

14. The Developer shall satisfy the habitat creation both on and offsite to meet the required mitigation amounts.

I. Prior to issuance of a grading permit, the applicant/developer shall comply with the following conditions:

1. A draft map of the proposed conservation easement, including the meets & bounds, shall be submitted for review and approval of the City Attorney and developmental Services Department. The applicant shall insure that the biological open space is deeded to a nature conservancy acceptable to the Planning Division Manager for maintenance and monitoring purposes. The conservation easement shall be finalized with recordation of the final map.
2. Conservation easement boundaries and fencing locations approved by the regulatory agencies must be shown on the grading plans.
3. 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.
4. 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. Water quality/hydromodification facilities (LID, site, design, permeable pavers), and infiltration rates where water quality/hydromodification mitigation facilities are proposed. 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.
5. The applicant/developer 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.

6. 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.
7. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
8. 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, SDRWQCB Municipal Stormwater Permit requirements, 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.
9. The applicant/developer shall submit proof of coverage under the State Water Resources Control Board General Construction Permit. The Waste Discharge ID number (WDID #) shall be identified on the Title sheet to the Project plans, the grading plans, and the erosion control plans. Coverage under the SWRCB General Construction Permit shall be maintained until the developer has submitted the Notice of Termination (NOT) to the San Diego Regional Water Quality Control Board and received approval of the NOT from the SDRWQCB. The developer shall notify the City Stormwater Program Manager 45 days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the approved WQTR shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City. The existing General Industrial Permit shall be terminated after the General Construction Permit is recognized by the State.
10. 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, water quality, hydromodification 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. 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.

11. The applicant/developer 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/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
12. 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.
13. All open space lots and slopes that the City agrees to maintain must comply with City's slope criteria for maintenance by CFD 98-02, including access (maintenance & fire protection), benching and terrace/drainage requirements as set forth per the City's Grading Ordinance.
14. The project applicant shall prepare and implement a soils management plan that addresses handling of soils containing naturally-occurring arsenic during grading. The management plan shall be consistent with the County Health Department and submitted to the City Engineer for review and approval prior to the issuance of a grading permit.
15. The developer shall provide design documents with an Operation and Maintenance Plan to reflect compliance with the latest City of San Marcos Storm Water Standards Manual guidelines and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001. If the project is phased, the design documents shall address the Best Management Practices (BMP's) to be utilized for each phase. Said design documents shall be prepared by a registered civil engineer and shall be to the satisfaction of the City Engineer. The project landscape architect shall sign the pertinent design document sheets certifying the BMP's have been incorporated into the landscape plans.
16. The approval of this tentative subdivision map does provide vested rights for the storm water regulations currently applicable to developments. All development must comply with the storm water regulations applicable at the time of approval of the corresponding grading permit application. Commencing December 27, 2015, all land development projects not under construction with a valid grading permit will be required to meet the San Diego Regional Water Quality Control Board's 2013 National Pollutant Discharge Elimination System (NPDES) permit requirements and any applicable amendments.
17. All permanent BMP's per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer of work stating the proposed landscape design complies with the requirements of the Water Quality Improvement Plan and/or Storm Water Standards Manual.

18. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure ongoing long-term maintenance of all post-construction Best Management Practices (BMPs).

J. Prior to issuance of a mass grading permit, the applicant/developer shall comply with the following conditions:

1. The two Twin Oaks Valley Road storm drain and Violet Avenue storm drain extensions shall be designed to the satisfaction of the Public Works Director/City Engineer.
2. The applicant/developer shall provide a design for the main channel to the satisfaction of the City Engineer, Planning Manager, and applicable regulatory agencies.
3. The applicant/developer shall provide access to the adjacent Vallecitos Water District property line consistent with terms of the existing access easement in favor of VWD.
4. The applicant/developer shall provide the calculations to demonstrate the channel can convey the Q100 year storm, the dam inundation flow, and the spillway flow.
5. The applicant/developer shall submit an updated South Lake Dam Breach Inundation Study to the City of San Marcos, VWD and California Emergency Management Agency based on the proposed grading in or adjacent to the existing inundation channel.
6. Prior to the issuance of a grading permit which disturbs the existing drainage course below the South Lake spillway, applicant shall obtain approval from VWD and the City of San Marcos for the interim South Lake spillway drainage course.
7. The applicant/developer shall provide proof with conditions of approval that all regulatory agency approvals have been obtained and any permit requirements have been satisfied. Said proof shall also include compliance with the existing Habitat Loss Permit. Regulatory permits shall be shown on the grading plans.
8. The applicant/developer shall provide a design to the satisfaction of the City Engineer and Regulatory Agencies to replace the existing CMP pipes that are discharging into Discovery Lake. The construction of the approved design shall be completed during mass grading operations.
9. The applicant/developer shall provide a design for the temporary low flow channel crossing to the satisfaction of the City Engineer and Public Works Director.
10. All storm drain outfalls to the BMP basins and main channel shall be designed to blend into the surrounding landscape in order to minimize the aesthetic impact. Said design shall be to the satisfaction of the City Engineer and Planning Manager.
11. Applicant/developer shall obtain all regulatory approval necessary to install a second point of vehicular access from street A/B to Lot 191

K. Prior to issuance of any rough grading permit, the applicant/developer shall comply with the

following conditions:

1. A detailed landscape and irrigation plan prepared by a licensed landscape architect shall be submitted to the City of San Marcos for review and approval for rough graded area affecting CFD, HOA, and private landscape areas. Each plan shall address proposed phasing of Areas A, B, C, & D as each development Area comes forward. Upon completion of the separate landscape improvements areas, the licensed professional shall submit a letter to the City stating that all materials have been installed in accordance with the approved plans prior to issuance of occupancy permits.
2. Developer shall submit separate CFD, HOA, & private landscape plan(s) that complies with all requirements stated in the Water Efficiency Landscape Ordinance (WELO) and comply with the latest State adopted WELO. Additionally, the landscape plans are required to install water efficient non-spray irrigation in all planting areas adjacent to roadways, lanes or alleys.
3. Any landscape area adjacent to a conservation easement, open space, or within the Brush Management Plan (BMP) area must signed off by the project biologist and design/installation shall comply BMP to the satisfaction of the Fire Marshal.
4. Final landscaping and irrigation plans shall be submitted for review and final approval by the City after addressing review comments on the initial landscape plans. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate (cost of materials & installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection.

L. Prior to or concurrent with the recordation of a final map, the applicant/developer shall comply with the following conditions:

1. A conservation easement, pending final review and approval by the City Attorney, shall be recorded with the final map. Once the final metes and bounds of conservation easement are established the developer shall accurately identify the 150 foot fire buffer and identify all affected residential structures that fall within this area with the following restrictions:
 - a. All affected residential lots/units shall be deed restricted defining type of construction requirements, limitations of construction and any future expansion restrictions.
 - b. At point of sale, there shall be full disclosure and a copy of said wording submitted to the City for the administrative records.
 - c. An exhibit & description of the affected residential lots/units shall be included in the CC&R's.

2. Upon recording of a Final Map, the applicant shall dedicate Lot 191(future park), without compensation, to the City of San Marcos for the future use as a city park. Said park shall be in fee title, for general municipal purposes. Lot 191 (future park) shall be granted to the City free and clear of all liens and encumbrances, including VWD annexation fees and without cost to the City and free of environmental hazards, hazardous materials, hazardous wastes or any other material not conducive to its future use of a park.
3. The developer shall establish Covenants, Conditions and Restrictions (CC&R's) for the proposed project and Homeowners Association (HOA) to assure the continued maintenance and operation of all open space and common areas, recreational facilities and private improvements as follows:
 - a. The applicant and all persons, firms or corporations owning the property subject to this subdivision at the time of the recording of the Final Maps and their heirs, administrators, executors, successors and assignees, shall operate, maintain and repair the open space, recreational facilities and private improvements for common use and benefit of the residents, approved by the City Council primarily for the benefit of the residents, and shall continue to operate, maintain and repair such open space, facilities, improvements for common use and benefit of the residents.
 - b. The City Attorney shall approve the wording of by-laws and articles of incorporation of the proposed Homeowner's Association in writing prior to the creation of said Homeowner's Association.
 - c. The lot(s) designed for recreational use shall include such passive and active amenities such as trails, picnic tables, tot lots with type and quantity of play equipment and grass areas. Said recreational amenities shall be delineated as part of the combined master recreation/landscape plan for the project's Specific Plan. All plans for recreation areas shall be approved by the Community Services Director.
 - d. At the time said Final Map(s) are recorded in the Office of the County Recorder, there also shall be recorded a document signed by all persons, firms, and corporations having an interest in the property shown on said Final Maps and by the City of San Marcos. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos, shall provide for the enforcement of its terms by the City of San Marcos, and shall establish for the benefit of all property shown on said Final Maps, a restriction that the area to be used as open space and for recreational facilities be for the use and benefit of the occupants of the property shown on said Final Maps. Said document shall provide that said restriction shall run with the land and bind all owners of the property shown on said Final Maps and their successors for a period of 20 years from the date of recording the restriction, after which time the restriction shall be automatically extended for successive periods of 20 years,

unless an instrument signed by a majority of the then owners of the dwelling lots and by the City of San Marcos has been recorded agreeing to change the restriction in whole or in part.

- e. At the same time the Final Maps are recorded, there shall also be recorded a document, signed by all persons, firms and corporations having an interest in the property shown on the Final Maps, whereby said persons, firms and corporations accept the terms and conditions of this Tentative Subdivision map and agree with the City of San Marcos to comply therewith. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos.
- f. CC&R's shall be approved by the City prior to recordation of the CC&Rs. CC&R's shall contain a provision that requires that private garages shall be used for the parking of cars in the designated interior area of 400 square feet for two vehicles. Said area cannot be used for storage other than a vehicle. This restriction shall also be incorporated as part of a Parking Management Plan.
- g. A Parking Management Plan (PMP) shall be submitted to the Planning Division Manager for final review and approval which shall include the following components: ensuring the plan is sufficiently funded to implement the PMP to monitoring use of designated interior private parking spaces & storage, the designated driveways allowing parking in front of the garage and street parking on private streets. These parking restrictions will be place on private streets within this development and actively monitored by the HOA. The HOA shall adhere to strict enforcement of the PMP including towing of vehicles that violate the policies. There shall also be a prohibition on any type of storage other than for a home owner's vehicle in garage areas. This document shall be included in the CC&Rs, and a disclosure statement must be signed by all residents owning the dwelling.
- h. The developer shall record an overflight notification document in association with the approval of any new residential land use within the AIA overflight notification area consistent with the ALUCP. As adopted under the General Plan Safety Element under Goals S-7, Policy S-7.1, See Figure 6-5 McClellan-Palomar Airport Influence Area.
- i. The developer shall include the side yard exclusive use easements in the CC&R's with full disclosure of the necessary cooperation and maintenance responsibility between the affected property owners.
- j. The following lots shall have a deed restrictions recorded with property obligated to comply with the approved Fuel Management Plan:
 - i. The final Fuel Management Plan shall be approved based on the legal boundary of the conservation easement. The developer shall record deed restrictions on all affected residential lots and an exhibit shall be included in the CC&R's identifying said affected lots.

- ii. The residential garage area designated for residential parking shall be free and clear of any obstructions and shall not be utilized for storage space.
- iii. All driveways in Areas A, B, C, D that are designed with the minimum 18 foot deep driveway may be used for parking of vehicles in front of the houses, provided the parked vehicle does not impede ADA access or encroach in to the street right of way.. The CC&R's shall provide a disclosure to all residents which shall be enforced by the HOA. All other private driveways less than 18 feet in depth are prohibited parking areas.
- iv. The developer shall submit a Permanent Master Maintenance Plan defining areas of responsibility for CFD, HOA, private home owner areas for final review and approval by Developmental Services. This document will be included as an attachment to the CC&R's.
- v. Permanent fencing shall be installed by the developer for all backyards or areas of maintenance abutting proposed open space lots. Preserved habitat areas shall be posted with signs precluding access due to habitat sensitivity and prohibiting dumping. The CC&R's shall address this restriction and the residents shall be educated in access restrictions, control of domestic animals, prevention of irrigation runoff, and sensitivity of habitat onsite.

- 4. The applicant/developer shall submit plans and specifications for improvement of all streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing Caltrans standards and shall be acceptable to the City Engineer.
- 5. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and City's "Urban Street Design Criteria" in effect at the time of project approval.
- 6. The applicant/developer of the property 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.
- 7. The applicant/developer shall dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.

8. All Community Facility District (CFD) landscape slopes shall be dedicated as CFD landscape maintenance easements. Applicant/developer shall dedicate any required municipal access easements to said slopes.
9. The applicant/developer shall dedicate to the City any excess upland mitigation acreage after satisfying all regulatory requirements for the tentative subdivision map.
10. A note shall be placed on the final subdivision map that no further development on Lot 195 (MU4 parcel - with exception that mass grade and/or spillway improvements shall occur) without approval of a Specific Plan Amendment and related entitlements. Said note shall also disclose the existing South Lake spillway will needs to be relocated which will require jurisdictional agency approvals.
11. Where proposed off-site improvements including but not limited to streets, slopes, public utility facilities, and drainage facilities are to be constructed, the applicant/developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant/developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map. If said dedication and easements are not acquired after negotiations between the private parties, the applicant/developer shall submit a written request and provide sufficient information not later than sixty (60) days prior to filing of any final map for approval, in accordance with Section 19.16.110 of the City's of San Marcos Municipal Ordinance, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In any case, the applicant/developer shall be responsible for all costs incurred in acquiring offsite property.
12. Direct vehicular access rights to all lots abutting Twin Oaks Valley Road, Street "A" and Street "B" shall be relinquished to the City on the Final Maps.
13. All required drainage easements shall be monumented along the boundaries as approved by the City Engineer. Access easements shall be provided where necessary and shall be improved, fenced and aligned to the satisfaction of the City Engineer and/or the Director of Public Works.
14. The applicant/developer shall enter into a phased Subdivision Improvement Agreement with the City to complete the public improvements and all required off-site transitions within a negotiated number of days from the issuance of grading permits, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
15. Proposed streets shown on the Tentative Map shall be given lettered designations, until such time as requested names are approved by the City's Street Naming Committee. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map, following the procedure outlined for naming streets by the Engineering Division. Street name signs shall be

installed by the applicant/developer as part of the subdivision improvements.

16. The Final Map shall indicate that all streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by a Individual Homeowners Association/Master Homeowners Association, or such other provision for maintenance which may be subsequently approved by City Council.
17. A LED vapor street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public.
18. The applicant/developer shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate lighting system for a period of eighteen (18) months.
19. All trail systems fronting and within the project shall be dedicated and designed per the City of San Marcos' Master Trails Plan and to the satisfaction of the appropriate City Departments.
20. All public trails, parks, and open space areas shall be dedicated to the City for "general municipal purposes" as required by the City of San Marcos. All open space areas and lots shall be provided with adequate access for maintenance from a public street with a ten (10) feet minimum wide flat access way.
21. The applicant/developer shall ensure that prospective purchasers sign an assessment disclosure statement fully explaining they are in the City's Landscaping and Lighting Community Facility District. The disclosure shall indicate what the projected assessments are anticipated to be, both in the near future and at ultimate subdivision build out.
22. The applicant/developer shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding design of all utilities fronting, abutting, or within the property with the exception of sixty-nine (69) KVA or greater power lines within the site. Overhead power (less than 69 KVA) and other utility lines currently on 69 KVA transmission poles/towers shall be relocated underground along the subdivision boundary.
23. The applicant/developer shall include underground utility plans within the City street improvement plan set which demonstrates no above ground utility facilities will be located within view of the public streets. Any exceptions shall be at the discretion of the Planning Manager and City Engineer.
24. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.

25. The applicant/developer shall comply with the annexation process into the Vallecitos Water District.
26. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., shall be placed outside of the trail easement to avoid reconstruction or modification of same.

27. The permanent placement of Vallecitos Water District's large meter services, detector checks, etc., along circulation element streets shall be placed along the outermost edge of the ultimate right-of-way to avoid reconstruction or modification of same.
28. The applicant/developer shall ensure adequate infrastructure for water and sewer capacity for the future City Park (Lot 191).
29. The applicant/developer shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFD):
 - a. The Special Improvement Area shall be formed with respect to CFD 98-02 for the ongoing maintenance services provided by the city for improvements being installed above and beyond the City standards, installed by the developer as shown on the Special Improvement Area Exhibit. No final map 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 developer/applicant may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The applicant/developer shall 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.
 - b. CFD 98-01, Improvement Area No. 1, Police Only
 - c. CFD 2001-01, Fire and Paramedic
 - d. CFD 98-02, Lighting and Landscape
 - e. The project shall be annexed as a Special Improvement Area (SIA).
 - i. Annexation fee shall be \$12,500.
 - ii. Applicant/developer shall submit a SIA and CFD boundary exhibit during the first submittal of the final map and/or grading and improvement plans.
 - iii. Applicant/developer shall submit a maintenance exhibit which depicts the CFD and HOA maintenance obligations.
 - iv. CFD 98-02 SIA shall include a fair share maintenance component for Discovery Lake. Said maintenance may include but not be limited to aeration and algaecide.
30. Separate CFD and private/HOA landscape plans shall be submitted to the City for review and approval. CFD landscape plans shall be submitted with their associated improvement plans.

31. Prior to Final Map approval, the applicant/developer shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certificate from each of the public utilities and each entity owning easements within the proposed subdivision stating that:

- a. They have received a copy of the proposed Final Map from the applicant/developer.
- b. ~~They object or do not object to the filing of the Final Map without their signature.~~
- c. In the case of a street dedication affected by their existing easement, they will sign a "Subordination Agreement" on the map when required by the Governing Board.

32. A phasing plan shall be submitted and approved by the City Engineer and Planning Manager prior to approval of the Final Map. The phasing plan may be subject to further conditions or phased conditions. Should the applicant/developer decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Manager. Other conditions may be imposed by the City Engineer and Planning Manager to allow out-of-phase construction.

33. Private drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lots. A private drainage easement reservation shall be placed on the final map.

34. Prior to recordation of a final map, applicant shall post a security guaranteeing the design, permitting, construction, and inspection of the ultimate South Lake spillway drainage course. Security will be returned to the Applicant once the ultimate South Lake spillway drainage course has been accepted by the jurisdictional agencies.

M. Prior to or concurrent with the recordation of the Unit No. 1 final map, the applicant/developer shall comply with the following conditions:

1. The Fuel Management Plan will remain as a draft, until the true metes & bounds of the conservation easement are recorded with the final map. After the conservation easement is recorded, the draft Fuel Management Plan boundary shall be finalized pending final approval by the Fire Marshal.
2. Street "A" shall be dedicated by the applicant/developer along the subdivision frontage based on full width of 60 feet to 71 feet.
3. Street "B" shall be dedicated by the applicant/developer along the subdivision frontage based on a minimum full width of 65 feet.
4. Public trail easements shall be dedicated for the trail connection to Discovery Lake, the trail along the west side of Area A, Violet Avenue trail extension.

5. A 15 foot wide trail easement shall be dedicated for the Violet Avenue trail extension which encompasses a 10 foot wide trail with 5 foot wide landscape buffer.
6. Public drainage and maintenance access easements shall be dedicated for the public storm drain entering the channel.
7. Drainage easements shall be dedicated for the public bioretention basins.
8. Street "A" (Backbone Street – Santa Barbara extension) shall be designed to a full width Complete Street Collector street standard from Orchid Avenue to Twin Oaks Valley Road. Said design shall include traffic calming, roundabouts, sidewalk, bike lanes, CFD landscaping, streetscape decorative features, pedestrian lighting, water quality and hydromodification, all to the satisfaction of the City Engineer and Planning Manager. All pavement sections shall be designed to ultimate structural section.
9. The Village Drive extension (Street "B") shall be designed to a full width Modified Collector street standard. Said design shall include a 10 foot DG trail, 10 foot urban trail, bike lanes, CFD landscaping, water quality and hydromodification, all to the satisfaction of the City Engineer and Planning Manager. All pavement sections shall be designed to ultimate structural section.
10. A guard rail or other crash barrier shall be constructed along Twin Oaks Valley Road and Street "A" as required by the latest Caltrans Traffic Manual. Said barrier shall be to satisfaction of the City Engineer. Additional right of way may be required in order to accommodate said barrier unless otherwise approved by the City Engineer.
11. The applicant/developer shall provide obtain approval for the relocation of the existing Vallecitos Water District water transmission main within the Street "A" alignment.
12. The applicant/developer shall coordinate with the Vallecitos Water District and if required by VWD, provide a design for upgrading the Craven Road sewer main.
13. The applicant/developer shall provide a design to provide bike lanes and traffic calming along Santa Barbara Drive from Orchid Avenue to Craven Road to the satisfaction of the City Engineer.
14. The applicant/developer shall coordinate with the North Country Transit District to determine if additional facilities (i.e., bus shelter, benches, trash receptacle, etc.) are required for this project.

N. Prior to or concurrent with the recordation of the Unit No. 2 final map, the applicant/developer shall comply with the following conditions:

1. A CFD Maintenance easement shall be dedicated along the Twin Oaks Valley Road frontage extending from the street right of way to the proposed face of sound wall.
2. A 10 foot wide trail with 5 wide foot landscape buffer shall be designed along Twin

Oaks Valley Road to the satisfaction of the City Engineer.

3. Public drainage easements shall be dedicated for the public bioretention basins.
4. The applicant/developer shall provide a design to modify the existing signal at South Village Drive and Twin Oaks Valley Road to the satisfaction of the City Engineer. Said design shall also include any traffic striping/signage modifications.

- O. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.
- P. During construction, the applicant/developer shall comply with the following conditions:
 1. The applicant/developer 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.
 2. The applicant/developer shall submit a traffic control plan for all phases of construction for approval by the Public Works Director. Said plan shall include all traffic control devices including traffic signals as required.
 3. Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.
 4. 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.
 5. 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.
 6. 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 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.
 7. During grading and construction operations, the applicant/developer 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. Developer shall comply with the all required mitigations stated in the noise analysis conducted by Bridge/Net International.
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.
10. The applicant/developer shall construct desiltation/detention basins and 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 (October 1 through May 1). Each such basin shall be provided with an all-weather access/maintenance road.
11. Dewatering activities during construction shall not be conducted without appropriate permits and approvals from all regulatory agencies involved (SDRWQCB, SWRCB, ACOE, and other Resource agencies). The City Stormwater Program Manager shall be notified one week in advance of any dewatering activities and a copy of all permits shall be submitted to the City. Dewatering activities will be conducted and planned for in compliance with the SDRWQCB, SWRCB, and project specific dewatering permit requirements obtained. Should the quality of the ground water be such that it does not meet the permitting requirements, then the water will need to be treated prior to discharge.
12. The applicant/developer shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
13. The applicant/developer shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans and in the SWPPP.
14. The applicant/developer shall minimize exposure time of disturbed soil areas.
15. The applicant/developer shall provide evidence of existing coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated With Construction Activities at all times.

Q. Prior to the issuance of building permits, the applicant/developer shall comply with the following conditions:

1. The developer shall record the side yard exclusive use easements for the condominiums located within Area 'C' and Area 'D'.

2. The developer shall obtain approval for the interim South Lake spillway drainage course from the State Division of Safety of Dams (DSOD) if applicable and construct the interim spillway.
3. The developer shall obtain approval from the City of San Marcos, VWD and the California Office of Emergency Services for the updated South Lake Dam Breach Inundation Study.
4. At the discretion of the Fire Marshal, a digital disk shall be submitted containing the following information: street centerline, subdivision boundary, lot lines, street right of way, building footprints and fire hydrants. Said files shall be in an Autocad format acceptable to the City of San Marcos and shall be on the correct coordinate system.
5. The developer shall pay their Public Arts Fee as required per the Heart of the City Specific Plan.
6. Developer shall hire an acoustical engineer to finalize the sizing and height of sound walls for all lots adjacent to Twin Oaks Valley Road based on the MND 14-001 (Addendum 2015) analysis.
7. Manufactured slopes adjacent to habitat areas shall be re-vegetated with appropriate native species in consultation with the Wildlife Agencies. The landscape plan and construction documents will be approved by the City Engineer, Planning Manager, and Fire Marshal.
8. Developer shall be required to comply with all noise mitigation stated in the BridgeNet acoustical report.
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. All grading shall be supervised by a 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.
11. This project is subject to payment of the Public Facilities Fees established by the latest adopted Ordinance. The amount of the fee shall be determined based upon the fees in effect at the time of issuance for each building permit for construction within this project.
12. The base lift of asphalt on all roads serving the area under construction shall be completed.

13. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that specifies that Fifteen percent (15%) of new housing construction must be affordable housing or the developer shall pay an In-Lieu Fee, as determined by the City, unless modified by the City Manager.
14. Lot 195 (MU-4) shall be temporarily irrigated and hydroseeded for erosion and dust control until germination to the satisfaction of the Planning Manager
15. A Fire Protection Plan shall be prepared for the project and submitted to the Planning Manager and Fire Marshal for final review and approval.

R. Prior to occupancy of any structures within Unit No. 1 or Unit No. 2, the applicant/developer shall comply with the following conditions:

1. Lots adjacent to biological open space will have a sufficient buffer with Street A between the development and the open space; (a) landscaping will be restricted to native and/or non-invasive plant species; and (b) Best Management Practices (BMPs) during construction in accordance with Nation Pollutant Discharge Elimination Systems General Construction Permit requirements will be implemented.
2. All public infrastructure improvements as shown on the grading and improvement plans shall be constructed per a City approved phasing plan and to the satisfaction of the City Engineer and Public Works Director.
3. All improvements shown on the improvement plans, as approved by the City Engineer for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Subdivision Improvement Agreement for this project.
4. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. Undergrounding shall take place prior to surfacing of streets.
5. The applicant/developer shall pay for and install all street name signs and traffic control devices fronting and within the project. The developer shall also post "No Parking" signs. All traffic control devices will be placed according to a plan prepared by the applicant/developer and approved by the City Engineer and the Director of Public Works.
6. All open space areas, private recreation areas, including landscaping and areas for the Pedestrian & Bicycle trails and the Multi-use trails shall be improved in accordance with the City's Master Park Plan and the project's tentative map.
7. The applicant/developer shall submit for City review and approval, plans showing source control BMPs in place and a certified letter noting the implementation plans for said BMPs.

8. All water quality BMP's shall be inspected and approved by the Public Works Director, City Engineer, and Planning Manager.

9. The City assigned BMP ID number of all water quality BMP's shall be shown on the installed BMP. Said ID number may be delineated with a stencil or sign to the satisfaction of the Public Works Director.

10. The applicant/developer shall stabilize all slopes per a City approved method.

11. Permanent fencing shall be installed by the developer for all backyards or areas of maintenance abutting proposed open space lots. Preserved habitat areas shall be posted with signs precluding access due to habitat sensitivity and prohibiting dumping. The CC&R's shall address this restriction and the residents shall be educated in access restrictions, control of domestic animals, prevention of irrigation runoff, and sensitivity of habitat onsite.

12. A final noise assessment shall be prepared and mitigate noise conditions and mitigate noise conditions to acceptable levels if an exceedance is identified.

S. Prior to occupancy of any structures within Unit No. 1, the applicant/developer shall comply with the following conditions:

1. The applicant/developer shall mitigate the following project traffic impacts as indicated in the adopted Mitigated Negative Declaration (ND 14-001 (Addendum 2015)):

a. Make a fair share contribution to the City towards the following improvements at the Twin Oaks Valley Road/SR-78 Eastbound Ramps:

i. Construction of an additional dedicated right-turn lane at the eastbound SR 78 (off-ramp) approach of intersection.

ii. Restripe eastbound approach to include one left-turn lane, one shared left-turn/through/right-turn lane, and two right-turn lanes.

b. Make a fair share contribution to the City towards the widening of the northbound approach of the Twin Oaks Valley Road/Discover Street-Barham Drive intersection to construct a dedicated right-turn lane.

2. Street "A", from Orchid Avenue to Street "B" shall be constructed to the satisfaction of the Public Works Director.

3. Street "B" shall be constructed to the satisfaction of the Public Works Director.

4. The Santa Barbara Drive offsite improvements shall be constructed to the satisfaction of the Public Works Director.

5. The trail connecting Discovery Lake extending along the westerly subdivision boundary of Unit No.1 and along Orchid Avenue shall be constructed to the satisfaction of the Public Works Director.

6. The channel and storm drain outfalls shall be constructed to the satisfaction of the Public Works Director and shall comply with the requirements of any applicable regulatory permits.
7. The private streets shall be constructed to the satisfaction of the Public Works Director.
8. The bioretention basins shall be constructed to the satisfaction of the Public Works Director and Stormwater Manager.
9. Permanent fencing shall be installed by the developer for all backyards or areas of maintenance abutting proposed open space lots. Preserved habitat areas shall be posted with signs precluding access due to habitat sensitivity and prohibiting dumping. The CC&R's shall address this restriction and the residents shall be educated in access restrictions, control of domestic animals, prevention of irrigation runoff, and sensitivity of habitat onsite.
10. All required sound barriers shall be installed per the approved noise analysis.
11. A final noise assessment shall be prepared and mitigate noise conditions and mitigate noise conditions to acceptable levels if an exceedance is identified.

T. Prior to occupancy of any structures within Unit No. 2, the applicant/developer shall comply with the following conditions:

1. Sound barriers ranging from six to twelve feet shall be constructed along portions of North Village Drive and along project frontage with Twin Oaks Valley Road to reduce future onsite noise levels to be consistent with the Noise Element of the San Marcos General Plan (60 dBA CNEL for single family and 65 dBA for multifamily). Specific locations and heights of the proposed barriers are presented in Figure 4, Noise Mitigation Measures. Barriers could include berms, wall, glass or a combination of these to meet the required noise attenuation.
2. Street "A" shall be constructed from Street "B" to Village Drive South to the satisfaction of the Public Works Director.
3. The Violet Avenue trail extension to Street "A" shall be constructed to the satisfaction of the Public Works Director.
4. The frontage improvements along Twin Oaks Valley Road shall be constructed to the satisfaction of the Public Works Director.
5. If applicable, construct any North County Transit District improvements as agreed upon between the applicant and said agency.
6. The bioretention basins shall be constructed to the satisfaction of the Public Works Director and Stormwater Manager.
7. The private streets shall be constructed to the satisfaction of the Public Works Director.

8. The traffic signal modification and signal timing at Twin Oaks Valley Road and Street "A" shall be to the satisfaction of the Public Works Director.
9. Permanent fencing shall be installed by the developer for all backyards or areas of maintenance abutting proposed open space lots. Preserved habitat areas shall be posted with signs precluding access due to habitat sensitivity and prohibiting dumping. The CC&R's shall address this restriction and the residents shall be educated in access restrictions, control of domestic animals, prevention of irrigation runoff, and sensitivity of habitat onsite.
10. All required sound barriers shall be installed per the approved noise analysis.
11. A final noise assessment shall be prepared and mitigate noise conditions and mitigate noise conditions to acceptable levels if an exceedance is identified.

U. Prior to acceptance of public improvements or release of securities, the applicant/developer shall comply with the following conditions:

1. Landscape maintenance for publicly dedicated open space, multi trail systems, and bioretention basins shall be accomplished by the applicant/developer for a minimum period of two (2) years, which may be extended, until such time as accepted into the Community Facility District (CFD). Prior to acceptance by the City, the applicant/developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.
2. The applicant/developer shall maintain all CFD improvements as defined by the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Developers shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 150% of the maintenance costs.
3. Prior to release of any securities, "As-Built" reproducible grading and improvement 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. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.
4. Prior to release of any securities, a digital disk of all as-built drawings and maps is required on a CD. Said files shall be in an Autocad format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. PDF versions of all approved drawings and recorded documents shall be provided. In addition, electronic files of the project reports (i.e. soils report, drainage study, SWPPP, Water Quality Technical Report, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. Copies of the final as-built drawings shall be submitted on a CD in a format acceptable to the City. A Mylar of the map, after recordation is also required.

5. In order to release the public improvement performance and labor/material security, The applicant/developer shall post a security with the City in an amount approved by the City Engineer for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.

V. Applicant/developer shall comply with adopted conditions per TSM 15-006, SP 15-007, SDP 15-009, CUP 15-006, and mitigations as adopted in ND 14-001(Addendum 2015).

W. To the extent permitted by law, applicant/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 permit arising from the project as defined in the Tentative Subdivision Map; (ii) any damages, liability and/or claims 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 operation of 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. 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 City. This indemnification shall not terminate upon expiration of the Tentative Subdivision Map, but shall survive in perpetuity.

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.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 16th day of November, 2015 by the following roll call vote:

YES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 15-4499

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A SITE
DEVELOPMENT PLAN ALLOWING THE CONSTRUCTION OF A MAXIMUM
OF 346 CONDOMINIUM RESIDENTIAL UNITS IN THE BARHAM/DISCOVERY
COMMUNITY

CASE NO.: SDP 15-009 (P15-0063)
Brookfield Southern California Land LLC

WHEREAS, an application was received from Brookfield Southern California Land LLC requesting a Site Development Plan (SDP 15-009), Specific Plan Amendment (SP 15-007), Tentative Subdivision Map (TSM 15-006), & Conditional Use Permit (CUP 15-006) to allow construction of a maximum of 346 condominium residential units located in the southwest of Twin Oaks Valley Road and North Village Drive, more particularly described as:

Parcel 2 of Parcel Map 18890, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, January 22, 2002 as instrument No.02-0054221 of Official Records.
Assessor Parcel Numbers: 222-080-09-00, 222-080-59-00, 222-180-27-00, 222-190-13-00, 222-190-14-00, 222-170-28-00, 221-091-21-00, & 679-020-04-00

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

WHEREAS, a Public Workshop with the general public was conducted on September 3, 2015; and

WHEREAS, the required public hearing held on November 16, 2015 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City previously adopted a Mitigated Negative Declaration (MND 14-001) with a Mitigation Monitoring Plan and Reporting Program pursuant to CEQA;

WHEREAS, THE Planning Commission did consider and recommends certification to the City Council of Negative Declaration ((MND 14-001) Addendum 2015) with a Mitigation Monitoring Plan and Reporting Program pursuant to CEQA;

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

1. With the proposed conditions, the proposed project will not be detrimental to, impactive upon, or incompatible with surrounding existing land uses or the public health, safety, or welfare in that the proposed project will comply with all conditions stated in the resolutions approving the SP 15-007, TSM 15-006, CUP 15-006 and all mitigation measures as defined in the Mitigated Negative Declaration (MND 14-001) as modified by the Addendum.

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2. The proposed project complies with the objectives of the Heart of the City Specific Plan, in that the proposed project will not adversely affect the implementation of the General Plan, the community, the surrounding neighborhood or environment whereby adding new guidelines and policies ensuring that a project would be deemed compatible with adjacent uses.
3. The proposed project, as conditioned, is consistent with the Rancho Coronado Residential Developments & Design Standards and the Heart of the City Specific Plan Amendment in that it establishes high quality design standards relating to lot sizes, setbacks, landscaping standards, architecture, maintenance requirements and a mixture of residential product type that will complement the surrounding area.

NOW THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. The 2015 Addendum to the Mitigated Negative Declaration (MND 14-001), which reflects minor changes to the project as analyzed in the MND, and finds no new or increased impacts is hereby recommended for approval.
3. The Planning Commission approves the proposed project subject to the following conditions:
 - A. Revised site plan, landscape plans and architectural elevations shall be modified to reflect the conditions of this approving resolution and mitigation measures and submitted to the Planning Division for review and approval.
 - B. The revised site plan, preliminary landscaping plan, architectural elevations, floor plan, etc., shall be submitted as a digital disk including copies of all related resolutions as a title page. This title page shall include the statement "I(we), _____, the owner(s) or the owner's representative, have read, understand and agree to the conditions of City Council Resolution for SDP 15-009." 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 Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.
 - C. General Provisions:

1. The subdivider shall ensure prospective buyers sign disclosures identifying the property as being within the City's Community Facilities District for which there are additional tax assessments.
2. Prior to any development on Lot 195(MU4), a Specific Plan Amendment must be approved along with a design manual to establish design criteria for future development on Lot 195(MU4).
3. Prior to issuance of building permits, the developer shall record the side yard exclusive use easements for the condominiums located within Area "C" and Area "D".
4. CC&R's shall be approved by the City prior to recordation of any maps associated with the tracts. CC&R's shall contain a provision that requires that private garages shall be used for the parking of cars in the designated interior area of 400 square feet for two vehicles. Said area cannot be used for storage other than a vehicle. This restriction shall also be incorporated as part of a Parking Management Plan.
5. Prior to issuance of a building permit, a Parking Management Plan (PMP) shall be submitted to the Planning Division Manager for final review and approval which shall include the following components: ensuring the plan is sufficiently funded to implement the PMP to monitor use of designated interior private parking spaces, the designated driveways allowing parking in front of the garage and street parking on private streets. These parking restrictions will place on private streets within this development and actively monitored by the HOA. The HOA shall adhere to strict enforcement of the PMP including towing of vehicles that violate their policies. There shall also be a prohibition on any type of storage other than for a home owner's vehicle in garage areas. This document shall be included in the CC&Rs, and a disclosure statement must be signed by all residents owning the dwelling.
6. All required enhanced elevations are identified on Site Development Plan 15-009 submitted by FUSCOE Engineering and date stamped by the City on November 5, 2015. All conditions below must be addressed on the site plan prior to acceptance of working drawings for building permits:
 - a. Driveways in Areas A, B, C & D that are designed with the minimum 18 foot deep driveway will be allowed to accommodate parking of vehicles in front of the house. The CC&R's and a disclosure shall be provided to all residents with this option and shall be enforced by the HOA to ensure cars do not encroach over the sidewalk. All other driveways less than 18 feet in depth will be identified in the disclosure & CC&R's prohibited parking.
 - b. Install fire hydrants at locations approved by the San Marcos Fire Protection District.
7. The following comments address required revisions to the Rancho Coronado Conceptual Landscape Plans submitted by GMP and date stamped by the City on October 19, 2015. All conditions below must be addressed on the landscape plans prior to acceptance of working drawings for building permits:
 - a. All residential lots adjacent to private parks shall be separated by a decorative good neighbor wall.
 - b. The southwest corner at Twin Oaks Valley Road & Village Drive design shall

- c. include a corner enhanced pedestrian hardscape design as defined in the Heart of the City Specific Plan.
- c. The northwest corner at Twin Oaks Valley Road & Village Drive design shall include a corner enhanced pedestrian hardscape design as defined in the Heart of the City Specific Plan.
- d. Prior to approval of the final landscape design, said plans shall be reviewed and approved by biologist with a signature & date confirming said plans comply with all regulatory permit criteria. Said plans shall also comply with approved Fire Management Plan.
- e. DG trail along Twin Oaks Valley Road shall be designed along the entire frontage of property including the MU-4 pad.
- f. Home Owner Association (HOA) maintained areas shall be submitted on separate set of landscape plans addressing all HOA landscape design and maintenance areas.
- g. Private Home Owner maintained areas shall be submitted on a separate set of landscape plans addressing all private landscape design and maintenance area.
- h. All plans referenced above must take into as part of the design, the regulatory permit restrictions prohibiting invasive plant species and the Fuel Management Plan. All landscape plans above are subject to final review and approval by Development Services.
- i. The final landscape/architectural design shall comply with the Rancho Coronado Residential Development & Design Standards and the Heart of the City Specific Plan revision as presented in SP15-007.
- j. Street trees shall consist of mature 36" box specimens and shall be planted at 30 feet on center along Street A, B, & Twin Oaks Valley Road.
- k. Enhanced entries shall be provided at Streets C, D-1, D-2, F, J, K, and M. Final design will include an integral color surface and/or enhanced pavement as approved by the Planning Manager.
- l. The proposed private neighborhood parks shall provided a variety of the following amenities:
 - i. The neighborhood park amenities shall consist of the following elements:
 - (a) Picnic areas
 - (b) Tot Lots for different age groups
 - (c) Passive Green Space
 - (d) Passive Play Area
 - (e) Meandering sidewalk
 - (f) Swimming pool, BBQ area, picnic tables, shade structures, a structure for the pool equipment & restrooms, and a dog park (large & small) located within the Area C, Lot Q
 - (g) Shade structures
 - (h) Pedestrian lighting system for security & night strolling
 - ii. Provide a blown up scale drawing covering all design details related to the neighborhood park amenities. Said plans shall be submitted to Community Services & Public Works for final review and approval.
- m. Any landscape area adjacent to a conservation easement, open space, or within the Brush Management Plan (BMP) area must reviewed and signed off by the project biologist.
- n. All noise barrier walls along all public streets shall be designed with a landscape berm that limits the exposed wall to six (6) feet in height.
- o. A note shall be added to the landscape plan indicating that additional landscaping may be required if deemed necessary during field inspection.

- p. Landscape plan shall clearly indicate that the Developer shall install landscaping in all front yards for Areas A, B, C, & D.
- q. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate (cost of materials and installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection. All submitted estimates shall be stamped and signed by the Landscape professional.
- r. A conservation easement, pending final review and approval by the City Attorney, shall be recorded with the final map. Once the final metes and bounds of the conservation easement are established the developer shall accurately identify the 150 foot fire buffer and identify all affected residential structures that fall within this area with the following restrictions:
 - i. All affected residential lots/units shall be deed restricted defining type of construction requirements, limitations of construction and any future expansion restrictions.
 - ii. At point of sale, there shall be full disclosure and a copy said wording submitted to the City for the case files.
 - iii. An exhibit & description of the affected residential lots/units shall be included in the CC&R's.

8. Prior to issuance of any building permit, the following conditions shall be complied with:

- a. Plans and construction documents submitted for a building permit shall be designed and seal/signed by a California licensed design professional as required by the latest Business and Professions Code.
- b. The residential garage design shall demonstrate that the interior dimension are 20' x 20' for double-car stall and if proposed, 12' x 20' for a single-car space. Area designated for residential parking shall be free and clear of any obstructions and shall not be utilized for storage space. This restriction will be included in the CC&R's and enforced by the HOA.
- c. A Parking Management Plan shall be submitted for approval by the Planning Division Manager. Said document shall be included in the CC&R's and administered by the HOA.
- d. The applicant shall obtain "will serve" letters from all affected public service and utilities agencies prior to issuance of a building permit.
- e. The developer shall submit a full set of building elevations for final review and approval by the Planning Manager.
- f. This development is subject to the payment of school mitigation as required by law.
- g. The design of common areas shall comply with Federal Law, ADA 90, and State Law, Title 24, California Code of Regulations, for accessibility standards for new construction.
- h. The design of buildings and structures shall comply with the latest adopted edition of the Uniform Building Code and other applicable codes.
- i. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten crime prevention measures includes such items as reinforced door jambs, one piece door stops, locking hardware for garage doors and laminated safety glass as required:
 - i. Exterior door jambs shall be installed with solid materials, i.e. full trimmers and king studs, for 6 inches away from the strike edge of the

- door.
- ii. Door stops on wooden jambs shall be one piece construction or substantially fastened to the jamb.
- iii. Strike plates for deadbolts on wood framed door jambs shall be 16 gauge steel or equal, attached with two screws penetrating two inches into solid backing.
- iv. Louvered windows are to be avoided, unless 12 feet above ground level and 6 feet horizontally from an accessible surface.
- v. Locking hardware for garage doors shall be mounted on 2 inch solid backing or frame members. Carriage bolts or equal are required to prevent removal of the hardware.
- vi. Garage doors exceeding 14 feet in width shall have two locking devices.
- vii. All exterior doors, including doors from the garage to the side yard, shall be 1 3/4 inch solid wood or solid core construction.
- viii. All glass within 40 inches of any door lock shall be laminated safety glass or burglary resistant glass.
- ix. Solid wood doors shall have a wide angle 180 degree peep hole.
- x. Street addresses shall be prominently displayed on the curb face in a direct line with the front door and on the building wall closest to the street.
- j. A phasing plan shall be submitted to Development Services Department for review. The Phasing Plan shall identify the extent of street improvements and the location of buildings and structures for each phase. Utility meters shall not be released until the improvements and the appropriate departments accept conditions of approval for each phase.
- k. This development is subject to the payment of development fees as required by City Ordinance prior to the issuance of any building permit.
- l. The developer shall submit a Permanent Master Maintenance Plan for final review and approval by Developmental Services. This document will be included as an attachment to the CC&R's.
- m. Annexation proceedings for the formation of the Special Improvement Area with respect to Community Facilities District CFD 98-02 (Lighting & Landscape), CFD 98-01, Improvement Area No. 1, Police Only, & CFD 2001-01, Fire and Paramedic shall have been completed.
- n. The base lift of asphalt on all roads serving the area under construction shall be completed.
- o. All fire lanes shall be shown on Building Plans to the satisfaction of the Fire Marshal.

9. During construction of any phase of the project, the following conditions shall be complied with:

- a. Prior to any construction activity on site, the developer will be required to acquire proper clearance and approval from all utility companies in which relocation of utilities is proposed or required.
- b. 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 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.

- c. The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval.
- d. At least one copy of all approved plans, approval letters, and conditions of approval shall be available for review at the job site at all times.
- e. Large equipment and construction traffic shall not be allowed to park on adjacent streets. All construction equipment must remain on-site for the duration of construction. Unless explicitly approved by the Director of Public Works, no construction workers will be allowed to park on surrounding adjacent streets.
- f. Fire Marshal shall approve emergency access for construction and post-construction phases.
- g. The developer 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. No street shall be closed without advanced notice to the surrounding businesses and residents to the satisfaction of the City Engineer.
- h. Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.
- i. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.

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

- a. The following items shall be addressed and complied with as required by the Fire Department:
 - i. Provide Fire Hydrants 300 feet apart and within 150 feet from farthest part of any buildings. (type Jones 3775 or the equivalent Clow hydrant).
 - ii. Minimum 24 foot roads with no parallel parking within the 24' of roadway.
 - iii. Buildings to be fire sprinklered as determined by the Fire Department.
 - iv. The building address shall be clearly labeled and readable from the street during the day as well as the night.
- b. The applicant shall submit certification of completion of landscaping per approved plans including hardscape and streetscape areas.
- c. Buildings or structures shall not be used or occupied until the City or appropriate agencies have accepted the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the project improvements have been accepted and all the project conditions have been satisfied.
- d. All open space areas, park areas, including landscaping and areas for the Pedestrian & Bicycle trails and the Multi-use trails shall be improved in

accordance with the Rancho Coronado Residential Development & Design Standards and the Heart of the City Specific Plan as modified per SP 15-007.

e. An automatic fire extinguishing system shall be installed in accordance with the latest adopted Uniform Building Code and the National Fire Protection Association standards as approved by the Fire Marshal.

D. Developer/Applicant 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.

E. A draft Fuel Management Plan has been submitted by the Developer to the Fire Marshal which cannot be finalized until the Rancho Coronado Conservation Easement is approved by the City & the Regulatory Agencies. Upon approval of the conservation easement, the 150 foot fire buffer will be established which will identify all residential structures that fall within this area. Those structures within the 150 fire buffer shall be properly mitigated to the satisfaction of the Fire Marshal. Prior to issuance of a building permit, the Fuel Management Plan shall be resubmitted to the Fire Marshal for final review and approval. The developer shall record deed restrictions on these affected lots and an exhibit shall be included in the CC&R's identifying said affected lots.

F. To the extent permitted by law, Applicant/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 permit arising from the project as defined in the Site Development Plan; (ii) any damages, liability and/or claims 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 operation of 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. 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 City. This indemnification shall not terminate upon expiration of the Site Development Plan, but shall survive in perpetuity.

G. Site Development Plan Review approval shall lapse and shall 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. 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.

I. All conditions as stated in the final Resolutions approving the Specific Plan ((SP 15-007) Resolution PC 15-4497), Tentative Subdivision Map ((TSM 15-006) Resolution PC 15-4498), Conditional Use Permit ((CUP 15-006) Resolution PC 15-4500) and Mitigated Negative Declaration (MND 14-001 (Addendum 2015)) mitigation measures and Mitigation Monitoring Program are hereby incorporated by reference and shall be complied with.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 16th day of November 2015, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

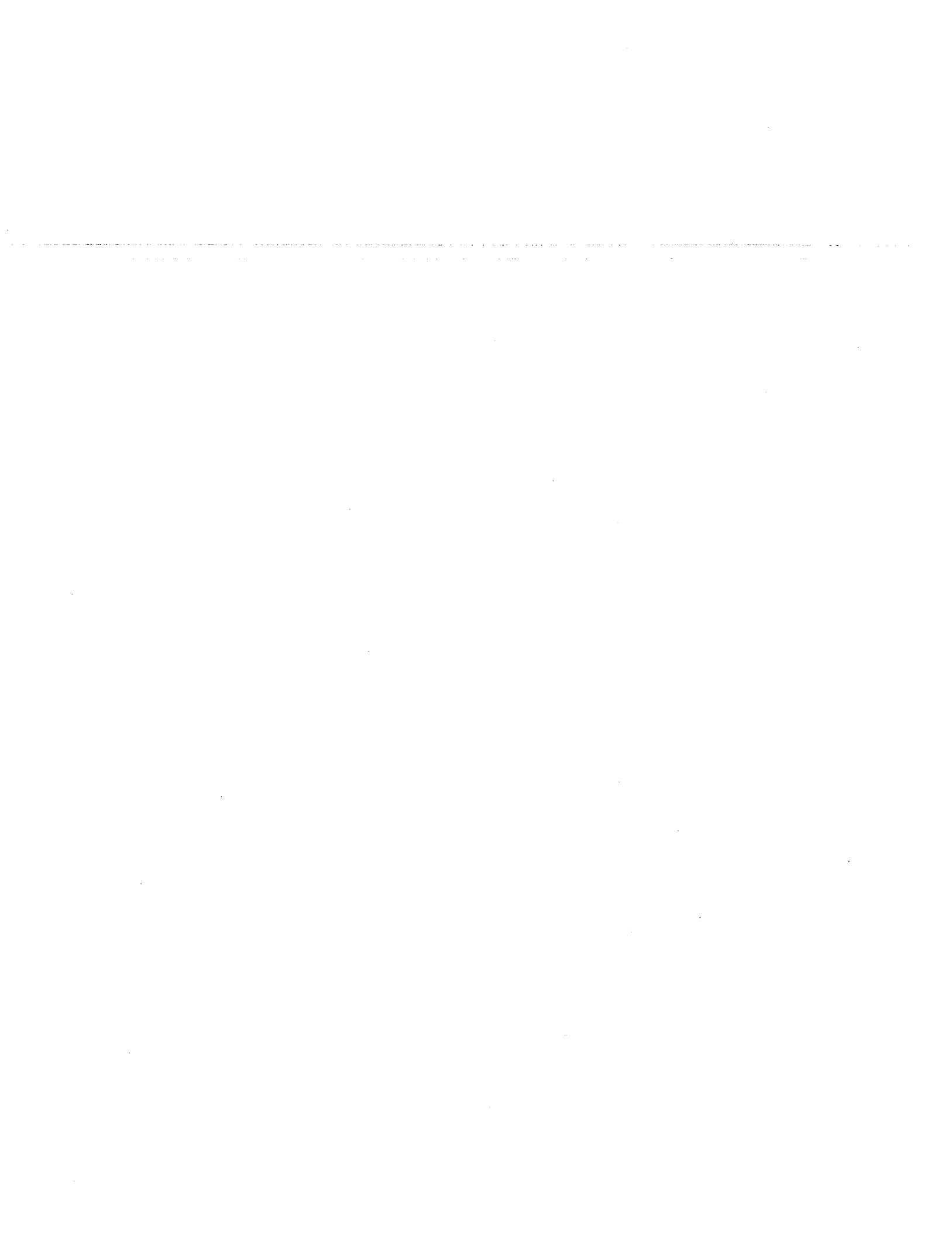
ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION



RESOLUTION PC 15-4500

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A MAJOR
CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY ROCK CRUSHER FOR
A PROJECT LOCATED IN THE BARHAM DISCOVERY NEIGHBORHOOD.

Case No.: CUP 15-006 (P15-0063)

Brookfield Southern California Land LLC

WHEREAS, the City of San Marcos received an application from Brookfield Southern California Land LLC requesting approval of a Conditional Use Permit to allow the temporary crushing of on-site material for the project, located in the City of San Marcos, generally in the southwest corner of Twin Oaks Valley Road and Village Drive North, more particularly described as:

Parcel 2 of Parcel Map 18890, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, January 22, 2002 as instrument No. 02-0054221 of Official Records.

Assessor Parcel Numbers: 222-080-09-00, 222-080-59-00, 222-180-27-00, 222-190-13-00, 222-190-14-00, 222-170-28-00, 221-091-21-00, & 679-020-04-00

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

WHEREAS the Development Services Department held a public workshop on September 3, 2015 for the proposed project; and

WHEREAS, the Planning Commission now recommends approval of the 2015 Addendum to the previously adopted Mitigated Negative Declaration (MND 14-001) on said request pursuant to the California Environmental Quality Act as well as the supplemental noise analyses of the minor changes to the construction activities, including the temporary crushing operation; and

WHEREAS the required public hearing held on November 16, 2015 was duly noticed and held in the manner prescribed by law; and

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

1. The proposed Conditional Use Permit, together with the proposed staff conditions of approval, is consistent with the policies and intent of the Heart of the City Specific Plan and General Plan in that the proposed temporary crushing operation will allow for the use of graded material on-site to create buildable pads which will provide a variety of housing type to serve the City of San Marcos housing market.
2. The proposed CUP, with the proposed staff conditions, will not be detrimental to the public health, safety or welfare, the surrounding land uses in the area, in that the proposed

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temporary crushing operation will be set back a sufficient distance from the adjacent residential homes and the equipment is significantly below the grade of the adjacent residential neighborhood. Also, allowing the crusher on site will reduce construction truck trips on the City streets to and from the site, as well as the duration of the construction phase.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The supplemental traffic, noise, and air quality analyses show that minor changes to the construction activities, including the temporary crushing operation, will not result in any significant impacts or otherwise contradict the conclusions in Mitigated Negative Declaration (ND #14-001) and the subject CUP and the Addendum are hereby recommended for approval by City Council.
- C. The CUP is hereby approved subject to the following conditions:
 - 1. Prior to reliance on the CUP and operation of the rock crushing, the following conditions shall be complied with:
 - a. The applicant shall post cash securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees to cover cost of any potential damage resulting from the debris crushing activities.
 - b. The applicant 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 approved by the City.
 - c. The City of San Marcos is located in Seismic Design Category "D".
 - d. The applicant must identify the location of storage, use or handling of hazardous, toxic or flammable materials which shall be clearly indicated on the site plan or floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
 - e. City approval is required for hauling of building materials on City streets. The haul route shall be established per City's direction. Truck traffic shall be limited to off peak hours on arterial streets.
 - f. An operational noise test shall be performed with the results submitted to the Planning Division to verify noise levels are consistent with those indicated in the noise report.

- g. At least 30 days prior to grading or utilizing the temporary rock crusher, the Project Applicant shall execute a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
- h. The applicant shall submit a cash deposit to the Planning Division, as determined by the Planning Manager, to ensure the facilitation of an on-site operational noise test to verify noise levels if determined necessary by the Planning Division Manager.
- i. Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the selected contracted Luiseño Tribal monitor. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the Cultural Resource Treatment and Monitoring Agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. Applicant/developer must acquire all necessary regulatory clearance from agencies.
- j. Upon starting the temporary rock crushing operation, noise measurements of the rock crushing facility shall be required to ensure compliance with the City's thresholds. If noise is found to be above the established thresholds of 60 dBA at any existing single family residential use, 65 dBA for multifamily use or 70 dBA at commercial use, then additional mitigation in the form of berms or temporary walls need to be incorporated into the rock crusher design to reduce the noise levels below the City's thresholds per Mitigation Measure MM-N-4.
- k. The applicant shall comply with Air Pollution Control District (APCD) permit for proper equipment and operating regulations and procedures, including:

- I. Water shall be sprayed on unpaved roads, parking areas, and staging areas two times daily or at sufficient frequency to keep soil moist enough so visible dust plumes do not surface.
 - m. Water shall be sprayed on rock materials undergoing rock crushing process at sufficient frequencies. Automatic water mist or sprinkler system shall be installed in areas of rock crushing.
 - n. Conformance with all conditions of approval for dust control required by the County Air Pollution Control District permit as applicable.
 - o. The applicant shall also file copies of said permits (and all related conditions) to the Planning Division.
 - p. The applicant shall ensure that:
 - (i) Corrugated shaker plates shall be installed at all entrance/exit points.
 - (ii) All trucks hauling debris offsite shall be covered with a tarp or canvas.
 - (iii) All activities associated with grading, stockpiling of material and crushing activities shall suppress potential dust with water trucks.
 - q. The placement of the temporary rock crushers shall be per BridgeNet noise analysis as shown on Attachment "A."
2. During the operation of the rock crusher, the following conditions shall be complied with:
 - a. The applicant/developer shall not create dust clouds that are visible beyond the property line and a sign be posted on-site that contains both the name and phone number of the contractor and builder representative for dust control complaints, as well as for the San Diego County APCD to send an inspector in case of violations of the opacity regulation.
 - b. The applicant shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
 - c. The rock crusher shall contain an operating water spray system to maintain adequate moisture on both the raw material feed and finished material discharge.

- d. The applicant shall comply with all requirements of the San Marcos Fire Department including the following:
 - (i) A minimum of 24-foot wide roadway must be provided for emergency access to the rock processing equipment.
 - (ii) Adequate fire truck turn-around area must be provided, to the satisfaction of the San Marcos Fire Department.
 - (iii) A permit shall be obtained from the San Marcos Fire Department for the storage of any flammable liquid material.
- e. The applicant shall obtain any required OSHA permits in accordance with the California Code of Regulations, Title 8, Section 1503.
- f. The construction contractor shall be required to implement a SWPPP and any amendments thereafter during rock crushing operations. The SWPPP shall include site-specific best management practices (BMPs) such as sand bagging to prevent siltation of surface runoff from stockpile of all material.
- g. 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. 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.
- h. The applicant shall be responsible for conducting the 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.
- i. No rock or additional material shall be imported from off-site to be processed by the temporary crusher.
- j. No sale or export of crushed material shall be allowed from the project area.

- 3. The applicant shall comply with all City ordinances and regulations applicable to the rock crushing operations authorized by the CUP, except the conditions of this CUP shall apply if they are deemed more restrictive than those contained in the City ordinances and regulations.
- 4. The applicant/building/contractor shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling

and construction of buildings in accordance with the California Code of Regulations, Title 8, Section 1503.

5. Upon field verification, additional screening may be deemed necessary by the Planning Division Manager.
6. The applicant shall comply with all screening measures identified in the acoustical report.
7. The contractor, permittee, or project owner shall be responsible for continual maintenance of erosion control devices as shown on the erosion control plan or per City standards. The City may revoke the grading permit for noncompliance with the City's Storm Water Management Program. The permits shall not be renewed until the erosion control system complies with City standards.
8. The rock crushing operation shall be limited to the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
9. 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.

D. If the developer is relying on blasting as part of this operation, the following conditions shall be complied with:

1. The general contractor or property owner/developer shall give reasonable notice in writing at the time of issuance of a building permit, grading permit or encroachment license to all residences or businesses within 600 feet of any potential blast location. The notice shall be in a form approved by the Building Official. Any resident or business receiving such 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 property owner/developer shall make all reasonable efforts to contact any and all parties requesting the second notice.
2. 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 certificate shall include addresses and date(s) of notification. A copy shall be retained on file at the Building Division.
3. 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 an 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 purpose 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.

- E. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution.
- F. No rock-crushing work shall be conducted on Sundays or holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
- G. Per Building Code Section 104.2.4, the City may order work stopped by written notice when the project violates the Grading Ordinance, Storm Water Management Program, or conditions contained within this Resolution. No work shall be allowed on the project until the City authorizes the work to proceed.
- H. The applicant shall comply with all relevant sections of the San Marcos Municipal Code.
- 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, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- J. To the extent permitted by law, applicant/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 permit arising from the project as defined in the Conditional Use Permit; (ii) any damages, liability and/or claims 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 operation of 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. 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 City. This indemnification shall not terminate upon expiration of the Conditional Use Permit, but shall survive in perpetuity.
- K. All conditions of Resolutions for SP 15-007 (Resolution PC 15-4497), TSM 15-006 (Resolution PC 15-4498), and SDP 15-009 (Resolution PC 15-4499) are hereby incorporated by reference and shall be complied with.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 16th day of November 2015, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

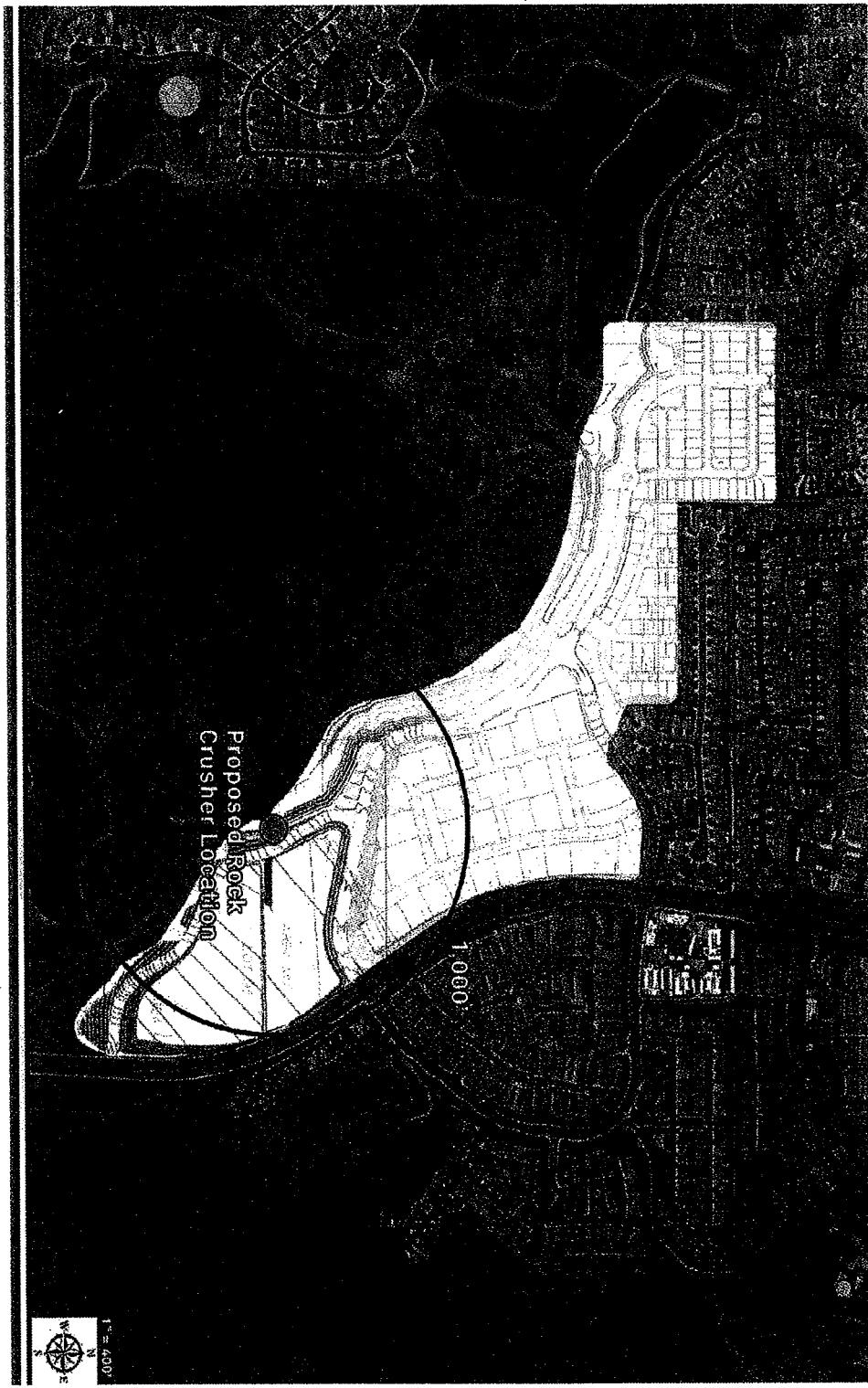
Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

Attachment "A" – Proposed rock crusher location

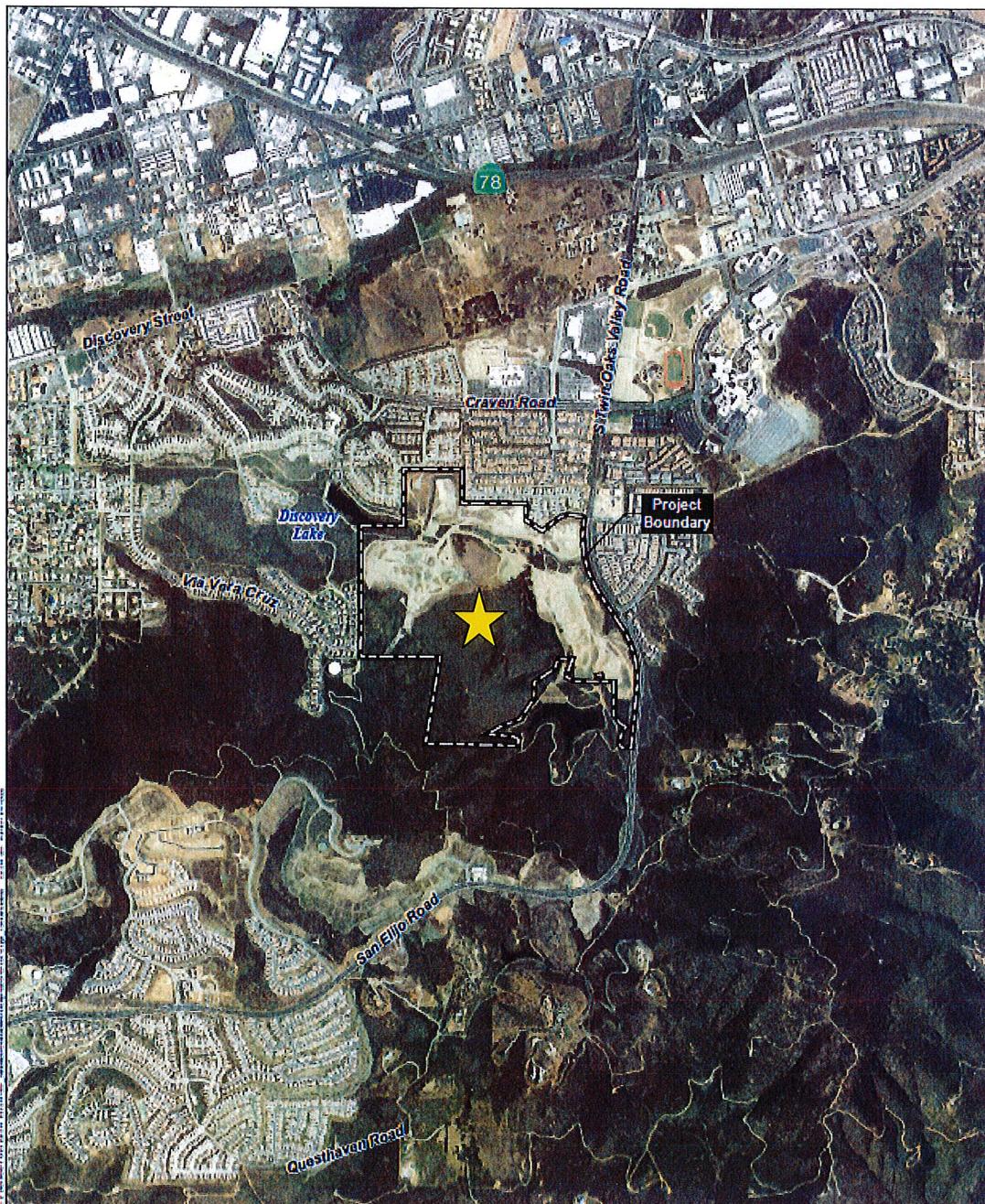
Attachment "A"





Attachment "A"

Vicinity/Aerial Map



 = Project Site

AGENDA ITEM NO. 3



Attachment "B"

Requested Entitlements

- Adoption of a Specific Plan (SP 15-007) Modification to the Heart of the City Specific Plan & the Rancho Coronado Residential Development & Design Standards
- Adoption of Tentative Subdivision Map (TSM 15-006)
- Adoption of a Site Development Plan (SDP 15-009)
- Adoption of Conditional Use Permit (CUP 15-006)
- Adoption of a Mitigated Negative Declaration (MND 14-001) Addendum 2015 & Mitigation Monitoring and Reporting Plan



Attachment "C"

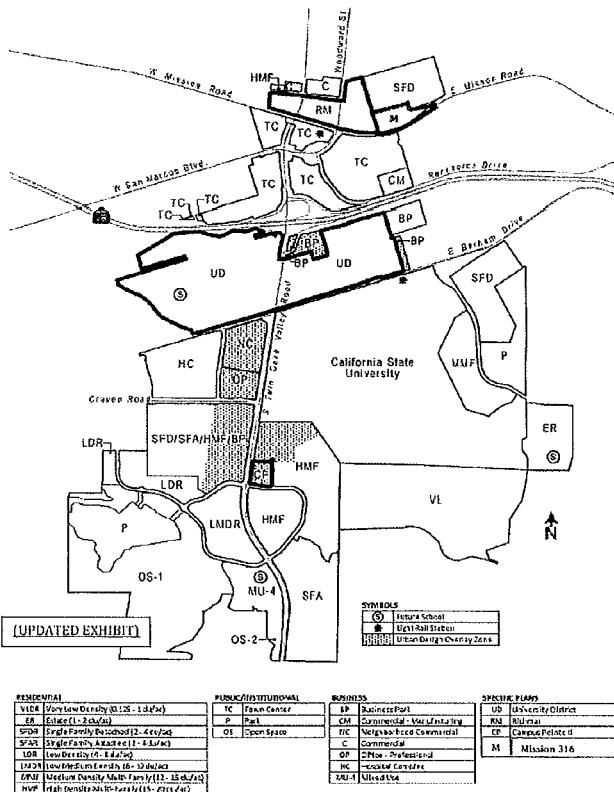
Site & Project Characteristics

	Existing	Zoning Designation	Land Use Designation
Property	Vacant	SPA	SPA
North	Residential	SPA	SPA
South	Vacant/South Lake	SPA	SPA
East	Residential/Vacant	SPA	SPA
West	Open Space/ Discovery Lake	SPA	SPA
Flood hazard zone	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Sewers	<input checked="" type="checkbox"/> Yes	<input 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	



Attachment "D"

Land Use Plan



Bubble Diagram for Areas A, B, C & D

