AGENDA REPORT

Meeting of the San Marcos Planning Commission

MEETING DATE:	**April 4, 2016**
SUBJECT:	**SJ Asset Management. Proposed Specific Plan and Multi-Family Site Development Plan for Fifty (50) Senior Apartments**
CASE:	**P15-0019: SP 15-003, MFSDP 15-002, & ND 15-010**
	APN: 218-120-31-00

Recommendation

Recommend to City Council adoption of a Specific Plan (SP) and approval of a Multi-Family Site Development Plan (MFSDP) for a 50-unit senior apartment complex on a 3.38-acre property within the Specific Plan Area (SPA) Zone, and adoption of a Mitigated Negative Declaration (ND).

Introduction

The existing site is a 3.38-acre vacant property located on the west side of Woodward Street, north of Borden Road. The site is relatively-level with a tributary of San Marcos Creek crossing the western half of the property which will remain undeveloped. The project proposes to develop only the eastern 1.88 acres of the property which will consist of five (5) multi-family buildings, a recreation building with an outdoor pool/spa, a 280 square-foot accessory building with five (5) storage units, sixty-four (64) parking spaces (including garages and carports), and landscaping. The creek area will be conserved by means of a land use deed restriction as a non-buildable area.

Discussion

The site is zoned Specific Plan Area (SPA) and Flood Damage Prevention Overlay Zone, and in the General Plan, it is identified as Focus Area 20 with a designation of Specific Plan Area (SPA) for senior housing with a density range of 12 to 15 dwelling units per acre. The yield for the proposed project is 14.8 dwelling units per acre which complies with the density per the General Plan. Properties to the north have been developed with single-family residences and open space as part of the Twin Oaks Valley Ranch Specific Plan. Properties to the east, across Woodward Street, are developed with multi-family residential and designated for 8 to 12 dwelling units per acre. The adjacent property to the south is also designated as Specific Plan Area (SPA) for senior housing; however, it has been established as

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open space for wetland mitigation and will remain undeveloped. The property to the west, across the creek, is currently vacant and designated for Commercial per the General Plan.

The General Plan requires approval of a Specific Plan for the new development which will establish development criteria for the proposed senior housing project, including building setbacks, height limit, landscaping, recreational amenities, architectural details, and parking standards. Front and side building setbacks will be ten (10) feet from property line. Per the Specific Plan, balconies/decks will encroach a maximum of two (2) feet into the north side setback and a five (5) foot encroachment will be allowed for ground-floor patios along the south side setback. The proposed buildings will be two (2) stories and not exceed thirty-five (35) feet in height. There will be eighteen (18) 1-bedroom apartments and thirty-two (32) 2-bedroom apartments which will range in size from approximately 746 to 1060 square feet. Private garages are proposed for seventeen (17) units and carport parking for the remaining units. Recreational amenities include an outdoor pool and spa, and recreation building with a library, exercise room, and roof deck. A "Craftsman" architectural style is stipulated in the Specific Plan for the apartment complex. Buildings will include varied floor and roof plans, pop outs and wall projections, and enhanced features such as textured/colored walls, stone, wood, shutters, look-outs, window sills, and trims. The multi-family buildings will be required to have architecturally enhanced elevations facing Woodward Street, and the south elevation of Building 5 (facing the adjacent open space lot) will also be enhanced. A four (4) to seven (7) foot high retaining wall is proposed along the western and southern perimeter of the building pad which will be constructed of split-face, keystone, or similar textured, earth-tone block to blend in with the surrounding terrain. The frontage along Woodward Street and throughout the complex will be landscaped with a mixture of trees, shrubs, and ground cover to enhance the neighborhood. Landscaping will be required to comply with the City and State Landscape Water Efficiency Ordinance (SMMC Chapter 20.330).

The majority of the site is mapped within the 100-year floodplain which requires the proposed development to comply with the City's Flood Damage Prevention Overlay Zone (SMMC Chapter 20.255). Therefore, the proposed project will import approximately 15,540 cubic yards of fill to create a building pad for the development which is above the 100-year floodplain elevation. The building pad height will vary from zero (0) to seven (7) feet in height with the aforementioned retaining wall surrounding it. Prior to occupancy, the developer will be required to obtain a Letter of Map Revision-Fill (LOMR-F) approval from the Federal Emergency Management Agency (FEMA). The LOMR-F approval will signify the development has been removed from the 100-year flood hazard zone.

A biology survey was prepared for the subject site to assess potential biological impacts by the proposed senior apartment complex. The project will impact 1.88 acres of the Non-Native Grassland (NNG) as a result of developing the relatively-level eastern half of the property. Typically, Non-Native Grassland is considered a sensitive vegetation community, because it provides potential foraging

habitat for raptors (hawks, owls). However, the subject grassland is very small in area and such minimal area does not provide a sufficiently robust area so as to constitute valuable foraging habitat. As a result, it is not considered sensitive habitat; and therefore, the impact to NNG is not considered significant and no mitigation is required. Within the western half of the property, the creek area is vegetated with Southern Cottonwood Willow Riparian Forest (RIP) which is considered sensitive habitat. The riparian habitat is identified as a Focused Planning Area (FPA) in the City's draft Multiple Habitat Conservation Plan (MHCP). The MHCP has not been formally approved by the City. In addition, the Conservation and Open Space Element of the General Plan identifies a wildlife movement corridor along this tributary to San Marcos Creek which provides an avenue for wildlife to travel in a north-south direction through Twin Oaks Valley. The biology survey also delineated the creek area as wetlands under the regulatory jurisdiction of the U.S. Army Corps of Engineers (USACE) and California Department of Fish and Wildlife (CDFW). The proposed development will maintain a minimum thirty (30) foot buffer zone from the riparian habitat limits with an average of forty-four (44) feet. A seven (7) foot high retaining wall with a fence on top will separate the buffer and riparian area from the proposed development along its western boundary. The project proposes to develop only the 1.88 acres of the eastern half of the 3.38-acre property and to avoid the creek area. Therefore, the Southern Cottonwood Willow Riparian Forest (RIP) habitat and its related wildlife corridor will not be directly impacted. In addition, since the project does not propose to impact or modify the limits of the wetlands, regulatory permits from USACE and CDFW are not required.

A protocol survey identified within the creek area a Least Bell's Vireo (LBV) (*Vireo bellii pusillus*) which is considered a sensitive bird and is listed as a Federal and State protected species. Since the project proposes to avoid the riparian habitat, the LBV will not be directly impacted by the project. However, indirect impacts or edge effects may impact the LBV and its habitat area such as construction noise, exterior lighting, domestic predators (cats and dogs), invasive plant species, and human disturbance (hiking and dumping). These indirect impacts would be considered significant if sensitive bird species, such as the LBV, were displaced or failed to breed. As a result, the project will be required to implement the following mitigation measures to reduce potential indirect impacts to a level below significance: 1) The riparian habitat and buffer zone will be conserved by means of a land use deed restriction and maintained by the property owner in perpetuity; 2) Existing non-native and invasive plant species will be removed from the riparian habitat and buffer zone; 3) The project's landscaping will avoid invasive plant species; 4) Fencing will be installed to protect the riparian habitat by minimizing access by the public and domestic pets; 5) Exterior lighting will be shielded in order direct illumination away from the riparian habitat; 6) The project's storm water runoff will be filtered prior to discharge into the creek area; and 7) A bird nesting survey will be required prior to disturbance of the site if start of construction will occur during the nesting season.

Except for the Least Bell's Vireo (LBV), no other sensitive wildlife species were observed on site. No sensitive plant species were observed on site during the survey. The project development will avoid the on-site riparian habitat, and therefore it will not encroach into jurisdictional wetlands, nor a designated wildlife movement corridor, nor Least Bell's Vireo (LBV) habitat. In addition, the project development is not part of a Biological Resource Core Area, nor a pre-approved mitigation area, nor a primary habitat linkage, nor contributes to the long-term survival of sensitive species. The site does not contain lands which have been mapped by the USFWS as critical habitat for any plant or animal species.

In accordance with State law, local Native American tribes were notified and consulted regarding the proposed project. A cultural resources study was prepared for the project which analyzed potential prehistoric and historic resources on the subject property. The report indicates there are several archaeological sites within a one-mile vicinity, but no sites have been previously recorded on the property. A field survey was also conducted by the consultant that identified no evidence for prehistoric or historic resources on site. However, there is the potential for subsurface resources to exist; therefore, all ground-disturbing work for the project will be required to be monitored by an archaeologist and Native American observer per a pre-excavation agreement.

According to a noise study prepared for the project, the main source of existing noise levels at the project site is generated from vehicle traffic on Woodward Street, Twin Oaks Valley Road, and Borden Road. Traffic noise has the potential to impact exterior noise levels of a project. Per the General Plan Noise Element, 60 CNEL is an acceptable exterior noise level for a senior apartment complex. The study analyzed 21 modeled receivers on the project site, and concluded exterior noise levels are not projected to exceed 60 CNEL at the first or second story of any of the proposed buildings or pool area. In addition, the Noise Element specifies interior noise levels not to exceed 45 dBA for senior apartments as with other residential uses. Typical building construction as required by the California Building Code will reduce interior noise levels by at least 20 dB to comply with this standard. Project related noise sources, such as vehicles arriving and leaving, and landscape maintenance machinery, would be consistent with residential developments to the north and east. Typically, HVAC units for air conditioning of the apartment units is a potential noise source generated on site. The project proposes rooftop HVAC units; however, the brand and model of unit is unknown at this time. For the analysis, a typical residential HVAC unit was assumed by using a 4-ton Carrier 38HDR HVAC with a power level of 72 dB(A). The analysis concluded that HVAC noise levels at the property line will not exceed the noise ordinance standard of 60 dB(A) during daytime hours or 50 dB(A) during nighttime hours. It is expected that there will be an incremental impact upon the ambient noise level of the area by the activities associated with the proposed senior apartment complex. However, the noise generated by the proposed project is expected to generate no more noise than is usually associated with typical neighboring single-family subdivisions and multi-family developments, and no greater than anticipated noise levels for residential uses per the General Plan.

Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), this project will generate 200 Average Daily Trips (50 units x 4 trips per unit = 200 ADT). The project will contribute toward City-wide traffic resulting in potential cumulative impacts to State Route (SR-78) which currently operates at below-satisfactorily Levels of Service. In order to mitigate for SR-78 cumulative impacts, the proposed project shall financially participate in the Congestion Management Community Facilities District which will assist in City-wide efforts to reduce traffic congestion and impacts to SR-78. The senior apartment complex will have two (2) driveways off of Woodward Street. The project proposes sixty-four (64) parking spaces (17 garage/36 carport/11 open) which exceeds the required rate of 1.25 spaces per unit according to the City's Off-Street Parking Ordinance (SMMC Chapter 20.340).

In order to comply with the City's Storm Water Management Regulations, the project proposes low impact site-design Best Management Practices (BMPs) which include natural infiltration into landscape areas and a bio-retention basins at the southwest corner of the development. The basins will be landscaped in accordance with the water quality improvement plans. Construction BMPs will be required as well. The property owner will be required to maintain the bio-retention basins.

Sewer and water services for the proposed project will be provided by the Vallecitos Water District (VWD).

During the public review period for the Mitigated Negative Declaration (ND 15-010), comments were received from two (2) agencies. Comments from the San Luis Rey Band of Mission Indians state that they concur with the cultural mitigation measures, and comments from the Vallecitos Water District (VWD) indicate that the project shall comply with their development requirements. In response, the project is conditioned to comply with all VWD requirements including the upgrade of sections of sewer line along Woodward Street in accordance with the water/sewer study prepared for the project.

City staff received one (1) written comment (Attachment E) from the public regarding the proposed project. The neighbor expressed concerns regarding the lack of street parking along Woodward Street, and would prefer the project to not remove any on-street parking. The letter also suggested removing the median striping along Woodward Street in order create more street parking. In response, the project is required to have two (2) driveway entries onto Woodward Street to provide emergency access. Since each driveway will require adequate line-of-sight visibility for the residents to drive onto Woodward Street from the project site, the existing on-street parking spaces along the property frontage (approximately 15 spaces) will no longer be available. In addition, a bike lane is required to be striped along the property frontage as required by the General Plan Mobility Element which will result in removing the existing parking spaces. The median striping is necessary along Woodward Street for

left-turn movements and traffic calming purposes. Due to the nature of the proposed use, it is not anticipated that the senior apartment complex would contribute to additional demand for on-street parking along Woodward Street, since the future senior resident(s) for each apartment unit typically has only one vehicle and the parking space for the unit is provided on site. The proposed sixty-four (64) parking spaces will provide adequate on-site parking for the residents and guests of the proposed development as required by the City Parking Ordinance (SMMC Chapter 20.340).

In addition, a neighbor brought attention to City staff that pedestrians currently trespass across the subject property as a "short-cut" to walk between Twin Oaks Valley Road and Woodward Street. An existing dirt trail runs along the northern property line and then crosses the creek through the open space area of Twin Oaks Valley Ranch to Twin Oaks Valley Road. With development of the proposed project, this "short-cut" across the property will be eliminated. However, pedestrian access between Twin Oaks Valley Road and Woodward Street is available to the south across the Borden Road bridge by means of a sidewalk.

Attachment(s)
Adopting Resolution

- A- Vicinity Map
- B- Requested Entitlements
- C- Site & Project Characteristics
- D- Negative Declaration (ND 15-010)
- E- Public Comments

Prepared by:

Norm Pedersen, Associate Planner

Reviewed by:

Garth Koller, Principal Planner

AGENDA ITEM NO. _____

Approved by:

Karen Brindley, Planning Division Manager

Submitted by:

Matt Little, Development Services Director / City Engineer

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ATTACHMENT A

Vicinity Map

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VICINITY MAP

P15-0019: SJ Asset Management. Woodward Street.

ATTACHMENT B

Requested Entitlements

- A Specific Plan (SP 15-003) and Multi-Family Site Development Plan (MFSDP 15-002) to allow for the development of a 50-unit senior apartment complex within the Specific Plan Area (SPA) Zone, and adoption of Mitigated Negative Declaration (ND 15-010).

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ATTACHMENT C

Site & Project Characteristics

Property	Existing Land use	Zoning	General Plan Designation
Subject	Vacant	SPA	Specific Plan Area, Senior Housing (12-15 du/ac) with Special Consideration (Focus Area 20)
North	Single-Family Residential	SPA	Twin Oaks Valley Ranch Specific Plan Area
South	Wetland Mitigation Site	SPA	Specific Plan Area
East	Multi-Family Residential	R-2	Low Medium Density Residential (8-12 du/ac)
West	Vacant	C	Commercial

Flood Damage Prevention Overlay Zone	_x_ yes __ no
Airport Overlay Zone	_x_ yes __ no
Sewers	_x_ yes __ no
Septic	___ yes _x_ no
Water	_x_ yes __ no
Gen. Plan Conformance	_x_ yes __ no
Land Use Compatibility	_x*_ yes __ no

*with approval of a Specific Plan.

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ATTACHMENT D

Negative Declaration 15-010

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ATTACHMENT E

Public Comments

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RECEIVED
MAY 14 2015
CITY OF SAN MARCOS
PLANNING DIVISION

May 12, 2015

Dear Norm Pederen,

Regarding Application # P15-0019 a "50 unit Senior housing project" on Woodward st near Spruce.

I do hope street parking will not be compromised. I live in the Tuscan Hills Apts across the street. There are 300+ units and parking is already at a premium. 25% of the apts are rented by college students with multiple occupants and cars. There is no visitor parking, so visitors and extra cars have to park on the street. Many people park in the housing neighborhood North of Tuscan Hills, much to the Chagrin of the Homeowners.

Please do not take away parking in front of the Senior housing.

Please consider creating more street parking by reducing the width or remove altogether the street medians (created with painted lines) No one uses these medians to turn. Everyone just waits until its clear to turn. The medians are wasted precious space.

When the homes were built North of Tuscan Hills (formaly The Islands) parking on the street South of the homes (near the new project) was taken away. It created Chaos. Thankfully parking was restored. Please consider creating →

more street parking. If the medians were removed you could create more parking in front of the old senior housing project at the corner of Woodward and Borden. The good news is the new project is seniors so they will probably only have one car or none.
When more of that land is developed (near Borden and Woodward) there is going to be a parking fiasco.

Thank you for your consideration,

Marchia Jones
704 Manzanita Ln. #234
San Marcos, CA 92069

RESOLUTION PC 16-4526

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A SPECIFIC PLAN FOR A 50-UNIT SENIOR APARTMENT COMPLEX ON A 3.38-ACRE LOT IN THE RICHMAR NEIGHBORHOOD

SP 15-003
P15-0019
SJ Asset Management

WHEREAS, on April 1, 2015 an application was received from the SJ Asset Management requesting a Specific Plan to allow for a 50-unit senior apartment complex, in conjunction with Multi-Family Site Development Plan (MFSDP 15-002), on a 3.38-acre lot located on the west side of Woodward Street, north of Borden Road, in the Richmar Neighborhood, more particularly described as:

> Parcel B of Parcel Map No. 20935, in the City of San Marcos, County of San Diego, State of California, as filed in the Office of the County Recorder of San Diego County, December 21, 2011 as F/N 2011-0687506 of official records.
>
> Assessor's Parcel Number: 218-120-31-00.

WHEREAS, on November 13, 2012, the City Council approved a General Plan land use and zone change of the subject property from Light Industrial (L-M) Zone to Specific Plan Area (SPA) for senior housing with a density range of 12 to 15 dwelling units per acre; and

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

WHEREAS, the required public hearing held on April 4, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 15-010) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

1. The proposed Specific Plan complies with the objectives of the adopted City-wide Land Use Policy Plan in that the project is identified as Focus Area 20 with a designation of Specific Plan Area (SPA) for senior housing with a density range of

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12 to 15 dwelling units per acre. The General Plan requires approval of a Specific Plan for the subject property which will establish development criteria for the proposed senior apartment complex including open space on the west side of the property.

2. The proposed Specific Plan will not be detrimental to the public health, safety, morals, and welfare in that the senior apartment complex will be conditioned through a Specific Plan for architectural treatment, building setbacks, landscaping, parking, open space, and adequate public facilities and infrastructure, including fire, police, water, sewer, and street improvements.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.

2. Mitigated Negative Declaration (ND 15-010) is hereby recommended to the City Council for approval.

3. This Specific Plan (SP 15-003) is hereby recommended to the City Council for approval.

4. This Specific Plan (SP 15-003) is approved in conjunction with the submitted Multi-Family Site Development Plan (MFSDP 15-002) and all conditions of approval specified in Resolution PC 16-4527 are hereby incorporated by reference herein.

5. Prior to submittal of grading, final map, and/or building permit application, whichever comes first, the applicant shall submit the color specific plan as an editable digital file on a CD and two (2) hard copies to the Planning Division for review and final approval.

6. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant'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 further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 4th day of April, 2016, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 16-4527

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A 50-UNIT SENIOR APARTMENT COMPLEX IN THE SPECIFIC PLAN AREA (SPA) ZONE

MFSDP 15-002
P15-0019
SJ Asset Management

WHEREAS, on April 1, 2015 an application was received from the SJ Asset Management Plan to allow the construction of a 50-unit senior apartment complex, in conjunction with Specific Plan (SP 15-003), on a 3.38-acre lot located on the west side of Woodward Street, north of Borden Road, in the Specific Plan Area (SPA) Zone, more particularly described as:

> Parcel B of Parcel Map No. 20935, in the City of San Marcos, County of San Diego, State of California, as filed in the Office of the County Recorder of San Diego County, December 21, 2011 as F/N 2011-0687506 of official records.
>
> Assessor's Parcel Number: 218-120-31-00.

WHEREAS, on November 13, 2012, the City Council approved a General Plan land use and zone change of the subject property from Light Industrial (L-M) Zone to Specific Plan Area (SPA) for senior housing with a density range of 12 to 15 dwelling units per acre; and

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

WHEREAS, the required public hearing held on April 4, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 15-010) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

1. The Multi-Family Site Development Plan is consistent with the Specific Plan Area (SPA) General Plan Land Use Designation for senior housing with a density range of 12 to 15 dwelling units per acre, and the proposed apartment complex is consistent with the design standards established under the Specific Plan (SP 15-003).

2. The project preserves, under a conservation easement, mature trees and other sensitive habitat within the western half of the property, and will not unnecessarily

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remove trees and natural vegetation on the remaining portion of the site within the development footprint.

3. The project site is generally void of any topographical features, except for a creek tributary across the western half of the property which will be avoided, and as a result, the proposed Multi-Family Site Development Plan will not have any impact on natural landforms or ridgelines, nor will it include excessive or unsightly grading of hillsides or otherwise adversely affect the natural setting of the project site.

4. The Multi-Family Site Development Plan is in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site.

5. The Multi-Family Site Development Plan, as conditioned, will create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

6. The Multi-Family Site Development Plan includes the development of structures and landscaping that will implement the General Plan, Zoning Ordinance, and California Building Code.

7. The Multi-Family Site Development Plan, as conditioned, will provide all required on-site and off-site public improvements as deemed necessary by the City Engineer.

8. The Multi-Family Site Development Plan provides parking and landscaping consistent with the Specific Plan and City Zoning Ordinance and in a manner that visually enhances the physical use of the property.

NOW, THEREFORE, the Planning Commission resolves as follows:

A. The foregoing recitals are true and correct.

B. A Mitigated Negative Declaration (ND 15-010) is hereby recommended for approval by City Council pursuant to the California Environmental Quality Act (CEQA).

C. This Multi-Family Site Development Plan is approved per the submitted site plan (dated 3/22/16), architectural elevations, and conceptual landscape plan, except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 16-4527.

D. This Multi-Family Site Development Plan is approved in conjunction with the submitted Specific Plan (SP 15-003) and all conditions of approval specified in Resolutions PC 16-4526 are hereby incorporated by reference herein.

E. Within thirty (30) days of the approval of the Multi-Family Site Development Plan (MFSDP 15-002), the final approved site plan, landscape plans, floor plans, and elevations shall be

submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 16-4527." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.

F. 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.

G. The conceptual architectural elevations shall be modified as follows:

1. On Sheet A-5, final carport design shall be approved by the Planning Division Manager prior to issuance of building permit. Carports shall be a cantilever design, as shown, and painted to match the main buildings. The proposed solar panels and all associated conduits, wiring, etc. shall be incorporated into the design of the carport. Any ground-mounted equipment shall be located within the buildings.

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

1. The applicant/developer shall submit for a grading permit in accordance with the San Marcos Municipal Code section 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.

2. This applicant/developer shall apply for a public improvement permit compliant with SMMC 14.16. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.

3. The applicant/developer shall enter into a Development Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.

4. The applicant/developer shall dedicate to the City of San Marcos easements and/or rights-of-way for all public streets, utilities, trails, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the site plan. 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.

5. The applicant/developer shall design bike lanes along the frontage of Woodward Street.

6. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):

   a. CFD 98-01: Improvement Area No. 1, Police
   b. CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance
   c. CFD 2001-01: Fire and Paramedic
   d. CFD 2011-01: Congestion Management

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

7. The applicant/developer shall submit and obtain approval for a Conditional Letter of Map Revision Fill (CLOMR-F) from FEMA prior to issuance of a grading permit.

8. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the planning division director.

9. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way to avoid reconstruction or modification of same.

10. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services, including upgrade of sections of sewer line along

Woodward Street in accordance with the water/sewer study prepared for the project, and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.

11. For multifamily areas that share access and/or parking, an unsubordinated reciprocal access and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.

12. A hydrology and hydraulic report (calculations) shall be prepared for the proposed project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. 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. The report shall also include calculations to support the design and function of the post-construction storm water treatment and/or hydromodification management improvements required for compliance with the currently adopted NPDES permit. This report shall be subject to approval of the City Engineer.

13. The applicant/developer shall provide design documents 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, and any subsequent approval. The project landscape architect shall sign the pertinent design document sheets certifying the BMP's have been incorporated into the landscape plans.

14. The property owner shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water treatment improvements. The agreement and easement shall be in a form acceptable to the City Attorney.

15. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.

16. Six (6) inch high Portland Cement Concrete (PCC) curbing shall be designed separating all paved areas from all landscaped areas, unless curb cuts or at-grade curbs are utilized to accommodate water quality objectives, as approved by the City Engineer. Where curbing may conflict with vehicle turning movements, corner cutoffs or radii shall be provided as required by the Fire Department.

17. Parking and driveway areas shall be designed with Asphaltic Concrete (AC) or Portland Cement Concrete (PCC) over a prepared base.

18. All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.

19. No impacts shall occur to the 1.15 acres of Southern Cottonwood Willow Riparian Forest (RIP) habitat on the western portion of the site as shown on the survey's biology map. The grading plans shall show the limits of work, including construction staging areas, for the proposed development. The project shall implement Best Management Practices (BMPs) during construction and permanent improvements in order to avoid water quality impacts to the creek area. Grading plans shall be reviewed and signed by a qualified biologist.

20. Prior construction activities during the avian breeding season (February 1 to September 15), a qualified biologist shall conduct pre-construction surveys in the riparian habitat for Least Bell's Vireo, nesting raptors, and migratory birds. The survey shall be conducted not more than three (3) days prior to the beginning of grading activities or other disturbance of the site. The USFWS, CDFW, and the City of San Marcos Planning Division shall be notified in writing if any of these species are observed nesting on the property. No activities which would result in noise levels exceeding 60 dBA hourly Leq (excluding ambient noise) within the subject property shall be allowed. If grading and construction exceeding this noise threshold are not completed prior to the breeding season and any of these species are present, then noise barriers shall be erected to reduce noise impacts to occupied habitat to below 60 dBA hourly Leq or the activities shall be suspended. A copy of the nesting survey shall be submitted to the Planning and Engineering Divisions.

21. The applicant/developer shall preserve the on-site riparian habitat and associated buffer zone within an approximately 1.5-acre conservation easement. Said easement shall be recorded by means of a land use deed restriction. The deed restriction shall be approved by the City of San Marcos and recorded prior to the approval of the grading plans.

22. The applicant shall enter into a pre-excavation agreement with a Luiseno tribe to provide for the following:

    a. An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.

    b. Prior to beginning project construction, 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, which shall include archaeological documentation, analysis and report generation.

c. At least thirty (30) days prior to beginning project construction, the Project Applicant shall enter into 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.

d. 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 contracted Luiseño Tribe. 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 required Agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation 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.

e. The pre-construction meeting with the developer, contractor, and City staff shall include the Project Archaeologist and Tribal Monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the Project Archaeologist regarding proposed archaeological techniques and strategies for the project.

f. Import fill shall be clean of cultural resources and documented as such.

g. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be

conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.

h. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

i. 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. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must them immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

j. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the Project Archaeologist, and the Luiseño Tribe under the required Agreement with the landowner 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 Director 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 Director shall be appealable to the Planning Commission and/or City Council.

23. Under separate permit, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:

a. Final landscape and irrigation plans shall be prepared by a licensed landscape

architect.

b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.

c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.

d. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, Section 20.330 of the San Marcos Municipal Code in addition to State of California water efficiency requirements.

e. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Storm Water Quality Management Plans.

f. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division for plant quality and compliance with minimum size requirements. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

g. The applicant shall submit a fencing plan, in conjunction with the landscape plan, which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type in accordance with the approved specific plan, and shall not include chain link or dog-eared wood fencing. Fencing shall include pilasters spaced every fifty (50) feet. Fencing and signage shall be required to be installed between the riparian habitat to the west and the wetland mitigation site to the south to prevent public access and minimize domestic pet access to

these areas from the proposed development.

h. Landscaping for the proposed project shall avoid the use of invasive plant species. Invasive plants shall be those identified on Lists A and B of the California Exotic Plant Council's List of Exotic Plants of Greatest Ecological Concern in California, as of October 1999, and updated if applicable. Landscape plans shall be reviewed and signed by the project biologist.

i. Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.

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

1. The approved precise grading plans shall be attached to the building plans.

2. All grading shall be supervised by a 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 on the approved project 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 identified in the initial report of subsurface conditions.

3. Developer/Applicant shall file Letter of Map Revision based on Fill (LOMR-F) and provide all supporting documentation provided to DHS-FEMA to the City's Floodplain Administrator.

4. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.

5. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.

6. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.

7. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.

8. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures includes such items as: 1) Reinforced door jambs; 2) One piece door stops;

3) 16-gauge strike plate for deadbolts; 4) Locking hardware for garage doors; 5) Two locking devices for wide garage doors; 6) 1-3/4 inch solid exterior doors; 7) Laminated safety glass; 8) Wide angle peep hole for exterior doors; 9) No louvered windows; and 10) Address numbers easily visible from the street.

9. An automatic fire extinguishing system that complies with NFPA 13R shall be required for all multi-family dwelling units. All areas shall be equipped with a fire sprinkler system that complies with NFPA 13. The developer may apply NFPA-13D standards to the sprinkler system, provided each unit has its own water meter and a 2 hour separation between each unit that extends from floor to underside of roof. The proposed development shall be constructed in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.

10. A fuel management zone shall be required from the perimeter of all structures. Due to a reduction in the fuel management zone as approved by the City Fire Marshal, building construction shall incorporate fire-resistant design features and materials in accordance with the City's Urban-Wildland Interface Area standards.

11. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.

12. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.

13. Roof drain systems shall be designed for 3-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge and shall discharge to landscaped areas when feasible. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations. Roof drainage shall comply with the City's storm water management measures.

14. The building permit applicant for the proposed development, redevelopment, or discretionary use shall pay Public Facilities Fees (PFF) as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use.

15. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.

16. The project is approved as a single project with no phases. If phasing is desired, a phasing plan shall be submitted to the Development Services Department for

review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in Phase 1. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.

17. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.

18. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.

19. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.

20. All rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or other architectural features from street grade view and adjacent properties as approved by the Planning Division Manager. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.

21. All exterior lighting shall comply with City standards for high energy-efficient fixtures, except for low-wattage architectural lighting. All fixtures shall be approved by the City.

22. Architectural lighting plan (photometric) shall be included with the building plans that show the type, style, and location of all exterior building lights including parking lot lights. Plans shall include cut-sheets with fixture details, photo, and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc. Exterior lighting shall use cut-off light fixtures to reduce glare, and shielded to direct the illumination downward away from the riparian habitat and buffer zone.

23. Building address and suite numbers shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).

24. The trash enclosure (minimum dimensions of fourteen (14) feet wide by ten (10) feet

deep by six (6) feet high) for trash and recycling containers shall be constructed to match the main buildings in color and texture. In addition, the enclosure shall have solid view-obscuring, double swinging gates; must have a flat impervious, concrete slab designed not to allow run-on from adjoining areas; contain attached lids on all trash and recycling containers; and a roof to minimize direct precipitation.

25. A separate sign permit shall be required for the proposed monument sign. Signage shall be limited to one (1) non-illuminated monument sign per the requirements of the approved specific plan. Monument sign shall be located outside of the right-of-way and line-of-sight of driveways.

26. The applicant/developer shall record with the County Recorder a conservation easement deed and use restriction delineating the boundaries of the creek area (riparian habitat and buffer zone) for the purpose of an open space non-buildable area. Said document shall be reviewed and signed by the Project Biologist. Said document shall be prepared to the satisfaction of the Planning Division Manager.

27. The applicant shall disclose to future owners/tenants of the proposed project that the property is located within the Airport Influence Area of McClellen-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors). Disclosure shall be recorded with the County Recorder's Office prior to building occupancy.

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

1. 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.

2. To mitigate for potential indirect impacts to sensitive vegetation communities during construction, temporary orange construction fencing shall be placed along the edge of the riparian corridor adjacent to the construction area. Staging areas, including lay down areas, equipment storage and other construction-related activities shall be located outside of the riparian area in order to avoid impacting sensitive areas. All employees shall be instructed that their activities, vehicles, equipment, and construction materials and debris are restricted to the proposed footprint, designated staging areas, and routes of travel.

3. Construction monitoring by a qualified biological monitor shall occur during the grading activities to prevent indirect impacts to the sensitive biology within the riparian area. The biological monitor shall work with the contractor to implement specific mitigation measures while working adjacent to the riparian corridor. Installation of orange construction fencing adjacent to the riparian area shall be conducted under supervision of the biological monitor.

4. During construction, silt fencing or other sediment trapping devices shall be installed and maintained in order to prevent run-off from entering the riparian area without being treated.

5. Existing non-native and invasive plant species, including Mexican fan palm (*Washingtonia robusta*) and pampas grass (*Cortaderia selloana*), shall be eliminated from all areas of the property to be maintained in a conservation easement (riparian habitat and buffer zone). If identified, additional significant noxious plant species currently growing within the riparian corridor shall be flagged by a qualified biologist and carefully removed so that seeds are not dispersed (if such removal can practically be achieved).

6. A test sample of the proposed exterior colors shall be applied to a mock-up with an area large enough to be representative of the finished color scheme. This sample shall be inspected and approved by the Planning Division prior to painting of the buildings. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Manager. The applicant/developer shall be responsible to contact the Planning Division for inspection.

7. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

8. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.

9. Water wells shall be reconstructed or abated in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by San Diego County Environment Health Department.

10. The project shall comply with Regional Air Quality Standards.

11. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as

appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.

12. 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 and all proposed fire hydrants operational, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.

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

1. An elevation certificate shall be provided to the City which certifies that the low water entry to the building/s is above the 100-year floodplain elevation and that the building has been built in compliance with the City's Flood Management Overlay Zone requirements as defined in SMMC 20.255.

2. The applicant/developer shall obtain approval from FEMA for the LOMR-F.

3. The applicant/developer shall install bike lanes along the frontage of Woodward Street.

4. As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.

5. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade & adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Division Manager.

6. All landscaping shall be completed, and inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.

7. The applicant shall submit a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Storm Water Quality Management Plan, respectively.

8. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles. All fire hydrants as shown on the improvement plans shall be installed.

9. Signage shall be posted along the driveway aisle for "No Parking" to ensure the 24-foot wide driveways are free of obstruction for emergency vehicle access.

10. Building address shall be clearly labeled for day and night-time emergency responses.

11. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

L. No impacts shall occur to the Southern Cottonwood Willow Riparian Forest (RIP) habitat on the western portion of the site as shown on the survey's biology map. Permanent fencing and signage shall be maintained by the property owner along the western and southern boundaries, between the development and the buffer zone/riparian habitat and the wetland mitigation land, respectively, in order to discourage entry by humans and domestic animals and prevent any physical disturbance of said habitat or mitigation land. The property owner/operator shall maintain the buffer zone/riparian habitat area in a generally weed-free, healthy condition, eliminating invasive plants, in perpetuity.

M. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.

N. 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.

O. This Multi-Family Site Development Plan shall expire on April 4, 2017 unless a building permit is obtained by this date and construction has begun in accordance with the submitted plans.

P. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant'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 further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not

terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 4th day of April, 2016, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION