



## Staff Report

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**File #:** TMP-1678, **Version:** 1

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**PLANNING COMMISSION MEETING DATE:**

March 7, 2022

**SUBJECT:**

Loma San Marcos CUP Renewal

**CASE NUMBER:**

Conditional Use Permit (CUP) 21-0004

### Recommendation

Approve a Conditional Use Permit renewal for the continued partial operation of a full-service entertainment production facility that allows for future phased development of the site. This action will rely on the previously adopted 2018 Addendum to Mitigated Negative Declaration ND 03-681 and is exempt from CEQA.

### Introduction

The 12.33 acre project site is located at 1601 San Elijo Road, between the San Elijo Town Center and Melrose Drive. It was developed in the early 1990's as a 179,535 square foot Material Recovery Facility (MRF) consisting of a building divided into three parts: a 9,750 square foot industrial/office space, a 61,650 square foot enclosed area, and an additional 108,135 square foot enclosed area. The site is accessed via an easement from San Elijo Road over a gated private driveway owned by the County of San Diego. Surrounding land uses consist of the closed County landfill to the east and vacant land to the north, south, and west.

The MRF was abandoned in 1995 due to rapidly changing regulations and market conditions related to solid waste recycling. In 2003, the property was purchased by Loma San Marcos, LLC. and in 2004, the City adopted the San Marcos Studios Specific Plan and Conditional Use Permit (CUP) to allow the existing building to be repurposed into movie studios (Phase 1) and construction of a new office building and parking structure in the rear of the property (Phase 2).

After the property did not develop into a traditional movie studio, the City adopted a 2018 Specific Plan amendment and CUP to allow onsite commercial filming in association with youth sport activities (Loma San Marcos Specific Plan and CUP). Under this proposal, the applicant also split the original movie studio Phase 1 into two "sub-phases:" 1A and 1B. Under Phase 1A, a smaller portion of the facility would operate, while future Phase 1B would allow the remaining area in the existing facility to be used as movie studio, add approximately 23,000 square feet of floor area within the existing buildings, and construct additional improvements to onsite circulation, parking, and landscaping to support the expanded use of the facility. Phase 2 of the project would continue to consist of the development of an office building and parking structure in the rear of the project site,

unchanged from the original San Marcos Movie Studio Specific Plan. The 2018 Specific Plan Amendment (SP 18-0001) and Conditional Use Permit (CUP 18-0004) were approved; the CUP has an initial term of 3 years, expiring on November 13, 2021. Prior to the expiration of the permit, this CUP Renewal application was filed.

## **Discussion**

### Applicant's Request

The applicant has requested to renew the Conditional Use Permit to allow for the continued partial operation of the existing facility and future phased development of the site, in conformance with the already adopted Loma San Marcos Specific Plan.

### Current Operations of the Facility

The current operation of the facility conforms to Phase 1A and utilizes a 71,400 square foot portion of the existing facility to operate as a 61,650 square foot movie studio with 5 basketball courts and 5 beach volleyball courts, and a 9,750 square foot industrial/office area for movie production. The remaining 108,135 square feet of the facility is limited to storage use. In conformance with the Loma San Marcos Specific Plan, use of the site must be related to the entertainment industry and as a result, the youth sports functions that occur onsite are filmed. The renewal of the CUP, for another term of 3 years, would allow for the continued partial use of the facility under Phase 1A and would allow future development to occur in Phases 1B and 2, in conformance with the Loma San Marcos Specific Plan.

During the COVID-19 pandemic, use of the site was suspended in compliance with State and County public health orders. Although some sports uses at the site have resumed, the beach volleyball courts have ceased operation and the applicant has requested the ability to film other youth sports activities onsite, within the 61,650 square foot portion of the movie studio allowed in Phase 1A. In response to the request, this CUP Renewal allows for sports activities other than basketball or beach volleyball to occur, provided that no more than five (5) sports courts are in concurrent operation. This limitation of five (5) active sports courts is consistent with the findings of the 2018 Chen Ryan traffic analysis (Attachment D, Appendix D) that determined that the concurrent operation of up to five (5) sports courts would not warrant the installation of a traffic signal at the intersection of the project site driveway and San Elijo Road.

### Traffic Signal Required for Phase 1B

At the 2018 public hearing for the adoption of the Loma San Marcos Specific Plan modification (SP 18-0001) and original CUP (CUP 18-0004), the City Council heard public testimony concerning the operation of the site without a traffic signal. This was a concern of San Elijo Hills Town Center residents, as operation without a traffic signal prohibits left, westbound, turns out of the site and all exiting vehicles must turn right, towards the Town Center. Westbound vehicles must then complete a "U-turn" in the Town Center, to backtrack in the direction of Melrose Drive and Rancho Santa Fe Road. In response to these concerns, the City Council modified the conditions of approval of CUP 18-0004 to require the installation of the traffic signal in Phase 1A of the project, within eighteen (18) months from the date of approval.

During the operation of the facility, prior to the COVID-19 pandemic, an additional traffic analysis was prepared (Attachment E), studying the actual pedestrian and vehicular traffic volume at the driveway intersection. The conclusion of the analysis was that actual traffic volume at the driveway intersection was lower than the volume anticipated by the 2018 Traffic Study. Subsequently, the applicant submitted a request to modify CUP 18-0004, to remove the requirement to install a traffic signal in Phase 1A of the project (CUP 20-0003). The Planning Commission recommended approval of this request, and the City Council approved the requested modification on July 14, 2020 (CUP 20-0003).

This CUP Renewal (CUP 21-0004) continues to require the installation of the traffic signal with Phase 1B. Further, Phase 1A operation is limited to ensure that a traffic signal is not warranted.

#### Relationship to the Edenpark Specific Plan (SP19-0003)

Unrelated to the current operation of the facility under the Loma San Marcos Specific Plan and CUP's 18-0004 and 20-0003, application SP19-0003 for the Edenpark Specific Plan was filed on September 9, 2019. The Edenpark Specific Plan proposes to supersede and replace the existing Loma San Marcos Specific Plan and CUPs, to allow for further development of the site as a sports and lifestyle center. The Edenpark Specific Plan application was deemed incomplete on January 3, 2020 and has been inactive since. This CUP Renewal (CUP 21-0004) and the existing Loma San Marcos Specific Plan continue to regulate current operations and future development of the site. If the applicant were to continue processing the Edenpark Specific Plan application, and after a decision is made by the Planning Commission and City Council, the site's operations would operate under those entitlements. Alternatively, if the applicant were to withdraw the Edenpark application, the site will continue to operate under CUP 21-0004 and Loma San Marcos Specific Plan.

#### Adjacent Development

The City received notification from the County of San Diego that an application has been filed to develop the adjacent, unincorporated 69.1 acre property west of the project site (APN: 223-080-46-00) with up to 76 detached single family residential units. The project generally proposes to cluster the units on the north side of the property, adjacent to San Elijo Road, and will preserve the majority of the southern side of the property (near the existing Loma San Marcos facilities) with open space.

The residential development on the adjacent parcel is anticipated to share access over the County-owned driveway currently used by Loma San Marcos. If this residential development occurs before Loma San Marcos Phase 1B is implemented, the traffic from the residential project will trigger the warrant for the traffic signal will be installed at the intersection of the shared driveway and San Elijo Road, in coordination with the two property owners, the County of San Diego as owner of the driveway, and City.

#### **Environmental Review**

The continued partial operation of the existing facility and future phased development of the site would be in conformance with the previously adopted Mitigated Negative Declaration (ND 03-681) and 2018 Addendum, adopted by the City Council on November 13, 2018. Additionally, this CUP Renewal qualifies for an exemption from the California Environmental Quality Act (CEQA), in conformance with Cal. Code of Regulations Section

15301 (Class 1), in that the project is an existing facility with no expansion beyond the scope of the previously adopted Mitigated Negative Declaration (ND 03-681) and 2018 Addendum.

## **Public Comment**

Consistent with prior projects at the site, the public notification radius was expanded from 500 feet to include the nearby Old Creek Ranch and San Elijo Town Center neighborhoods. Several public inquiries about the project were received by the City after the circulation of the Public Notice. The majority of those comments were informational in nature. Specific comments are discussed below.

Three letters expressed concerns related to public noticing, truck traffic and RV Storage at the site, and intersection improvements, respectively. Two additional comment letters concerns related to pedestrian safety at the project driveway intersection with San Elijo Road and unpermitted left turns out of the project site, onto westbound San Elijo Road (Attachment F).

If additional public comments are received after the distribution of this staff report, those comments will be provided to the Commission at the public hearing.

## Public Noticing

To be consistent with the 2018 Loma San Marcos Specific Plan and CUP, an expanded radius has been used for public noticing that includes approximately 592 property owners, occupants, and Home Owner Associations within the vicinity of the project site. Since public hearings for the project have been continued twice, a total of 2,368 notices have been mailed for the project (1 notice of application and 3 public hearing notices). In addition to public notices, SMMC Section 20.505.030(C)(5) requires a 4 foot by 4 foot notice of application sign to be posted at the site. One letter writer noted that the size of the notice of application sign was small. Staff investigated this concern and confirmed that the required 4 foot by 4 foot sign originally posted at the site had been vandalized and was replaced by the applicant with the smaller sign. This issue was corrected and a 4 foot by 4 foot sign, consistent with the requirements of SMMC Section 20.505.030(C)(5), was reposted at the site on February 10 and has remained posted since that time.

## Truck Traffic and RV Storage

In addition to allowing youth sports filming, the Loma San Marcos Specific Plan and CUP allows the use of storage in the remaining existing facility as part of Phase 1A. The applicant has confirmed that two tenants use the 108,135 square foot portion of the facility for storage purposes.

One tenant is a rental company that provides RV's and trailers for the entertainment industry and other private users. The RV and trailers are stored and maintained at the Loma San Marcos facility and moved by employees of the business when the vehicles are reserved for use offsite.

In addition to RV and trailer storage, another tenant uses a smaller portion of the facility for the storage of comic book toys and figurines. The operations of this business include receiving, storage, and repackaging merchandise for export at various times of the year, when demand for these items is high. The movement of goods for this tenant involves the use of trucks, which come to the site at a reported frequency of 1-2 times per

week.

These low intensity uses are allowed in Phase 1A of the project by the Specific Plan and CUP and are consistent with uses contemplated in the previous traffic studies, which determined that Phase 1A traffic does not require a traffic signal.

### Intersection Improvements

The third letter received by the City was from Colrich, the owner and developer of the 76-unit single family residential development adjacent to the project site, in County jurisdiction. Colrich requested that the conditions of approval for the Loma San Marcos project be modified to include provisions for sharing the cost of construction the signalized intersection and associated improvements on the driveway to be shared by the two projects.

As conditioned, the Loma San Marcos CUP requires the installation of the traffic signal with Phase 1B of the project. Loma San Marcos Phase 1A does not generate traffic warranting signal installation.

The driveway is within a private access easement owned by the County. At such time as Loma San Marcos Phase 1B, or other use generating sufficient traffic, is proposed, the traffic signal and associated improvements must be constructed by the applicant. Alternately, if the Colrich development wishes to move into construction, the residential development must install the signal at the time that it is warranted. At such time, the parties with access rights may privately negotiate an agreement to share the cost. Conditioning a single user of the private driveway to specify the method of private cost sharing is not recommended for inclusion in the CUP.

### Pedestrian Safety

As part of the improvements already installed at the site, a striped crosswalk, a raised barrier ("pork chop"), and lane delineators ("candlesticks") were installed at the project driveway to prevent left turns out of the project site and to improve pedestrian safety at the crossing. These improvements are consistent with the requirements determined necessary in both traffic reports prepared for this project (Attachments D and E) at the current scale of operations in Phase 1A of the project.

### **Attachment(s)**

Adopting Resolution:

Resolution PC 21-4969 (CUP21-0004)

- A. Vicinity Map, Existing Traffic Routes, and Illustrated Site Plan
- B. Requested Entitlement
- C. Site & Project Characteristics
- D. ND 03-681 - Mitigated Negative Declaration and 2018 addendum adopted with the Loma San Marcos

Specific Plan (SP 19-0003) / Conditional Use Permit (CUP 18-0004).

- E. Traffic Analysis Memorandum dated February 11, 2020
- F. Public Comment Letters

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Reviewed by: Saima Qureshy, AICP, Principal Planner

Stephanie Kellar, P.E., Principal Civil Engineer

Submitted by: Joseph Farace, Planning Division Director

RESOLUTION PC 21-4969

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONTINUED PARTIAL OPERATION OF A FULL-SERVICE ENTERTAINMENT PRODUCTION FACILITY AND PHASED EXPANSION IN THE LOMA SAN MARCOS SPECIFIC PLAN AREA (SPA-LSM) ZONE

CUP 21-0004  
Loma San Marcos, LLC.

WHEREAS, on November 5, 2021, the City received an application from Loma San Marcos, LLC. requesting a Conditional Use Permit Renewal to allow the continued partial operation of a full-service entertainment production facility (“movie studio”) and phased expansion of the facility located at 1601 San Elijo Road in the Loma San Marcos Specific Plan Area (SPA-LSM) Zone in the Questhaven/La Costa Meadows Neighborhood more particularly described as:

Brief Legal Description: ALL OR PORTION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF SAN MARCOS AND COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO OFFICAL PLAT THEREOF

Assessor’s Parcel Numbers: 223-080-41-00 & 223-080-42-00; and

WHEREAS, the City Council did approve the Conditional Use Permit (CUP 03-596 / Resolution No. 2004-6323) on April 13, 2004 in conjunction with the San Marcos Studio Specific Plan (SP 03-41 / Ordinance No. 2004-1223); and

WHEREAS, a Real Property and Lien Agreement (Agreement) between the City and property owner was recorded on June 14, 2004. The purpose of the Agreement was to establish City and property owner cooperation on phasing of payment of Public Facility Fees (PFF) and street improvement requirements. The Agreement implemented a payment schedule for the PFFs and the timing of the implementation of the improvements by separating the project into phases; and

WHEREAS, on November 13, 2018, the City Council adopted and approved the Loma San Marcos Specific Plan (SP 18-0001 / Resolution No. 2018-1468) changing the name of the San Marcos Studios Specific Plan to Loma San Marcos and Conditional Use Permit (CUP 18-0004 / Resolution No. 2018-8562) allowing further phasing of the development and operation of the full service entertainment production facility with youth sports filming; and

WHEREAS, on July 14, 2020, the City Council approved a Conditional Use Permit Modification (CUP 20-0003 / Resolution No. 2020-8801) to revise condition of approval M(9) of the permit to change the timing of the installation of a traffic signal at the project driveway and San Elijo Road to Phase 1B of the project; and

WHEREAS, Conditional Use Permit (CUP 18-0004 / Resolution No. 2018-8562), as modified by Conditional Use Permit (CUP 20-0003 / Resolution No. 2020-8801), expired on November 13, 2021 and this request to renew the Conditional Use Permit (CUP21-0004) was filed prior to its expiration; and

WHEREAS, an evaluation of the transportation generation rates of the proposed land use was conducted in accordance with the adopted Community Facilities District (CFD) 2011-01 Congestion Management (Resolution 2012 -7632) annexation procedures, and it was determined that annexation will not be required; and

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

WHEREAS, Planning Commission hearings for this request (CUP21-0004) were continued from January 18, 2022 and February 7, 2022; and

WHEREAS, on March 7, 2022, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the Planning Commission did review and consider the previously adopted Final Mitigated Negative Declaration (ND03-681) and it is determined that no new environmental information or documentation was presented revealing any new unidentified environmental impacts which had not been previously mitigated and the proposed project is within the scope of the impacts identified in ND 03-681; and

WHEREAS, the Planning Commission did review and consider a Categorical Exemption (EX 21-030) pursuant to the California Environmental Quality Act (CEQA) Section 15301, Class 1 (Existing Facility with No Expansion); and

WHEREAS, the subject property has been annexed into Community Facility District (CFD) 98-01: Improvement Area 1, Police Only; CFD 98-02: Lighting, Landscaping, Open Space, and Preserve Maintenance; and CFD 2001-01: Fire and Paramedic; and

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

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby approves this Conditional Use Permit per the submitted plans dated September 25, 2018, except as modified herein, and by the provisions below:



1. This CUP is for only the area depicted on the Site Plan, on the south side of San Elijo Road.
2. The operation is limited to entertainment production studios, rental of sound stages, storage related to film production, and offices as specified in the Loma San Marcos Specific Plan.
3. All parking shall be as delineated on the Site Plan /Specific Plan per each phase. At no time shall vehicles park on access roads.
4. 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 required to be identified are per Health and Safety Code Section 25101. Drainage grates shall be provided on ends of automotive bays connected to an onsite holding tank.
5. Any change in occupancy in this portion of the building shall be approved by the City Building Official as required by the latest adopted Uniform Building Code. A new Certificate of Occupancy will be issued after the City inspects and approves the new use.

The alignment and terminal point of storm drains shown on the site plan shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.

- C. Additional architectural articulation on the eastern elevation of the proposed office building, such as architectural enhancements on the western elevation, shall be submitted for approval by the Planning Division Director, prior to the issuance of Building Permits for Phases 1B and/or 2.
- D. The applicant/developer shall implement, to the satisfaction of the Planning Division Director, all applicable environmental impact mitigation measures identified in the project's Mitigated Negative Declaration and 2018 Addendum with each phase of the project.
- E. This Conditional Use Permit is approved in conjunction with the existing Loma San Marcos Specific Plan (SP 18-0001); all conditions of approval specified in Resolution No. 2018-1468; and the mitigation measures in previously adopted Mitigated Negative Declaration (ND 03-681 / Resolution No. 2018-8562) and subsequent addendum considered with the adoption of CUP 18-0004, which documents are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.

F. The Planning Commission's decision is based on the following findings and determinations:

1. Approval of the Conditional Use Permit would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood. The CUP allows the continued operation of the project with the prior approved phasing. Phase 1A utilizes a smaller portion of the project site for film production as compared to the original approved CUP. Other applicable project conditions continue to be required as part of future Phase 1B. A traffic analysis conducted for Phase 1A concluded that it would generate fewer Average Daily Trips (ADT) compared to the original first phase, and Phase 1A, therefore would not create new impacts to San Elijo Road. Existing and new project conditions adequately address any impacts to adjacent properties and to the function of the neighborhood.
2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan, the purpose and intent and the character of the Loma San Marcos Specific Plan Area (SPA-LSM) Zone. The existing building is adequately set back from San Elijo Road and adjacent to vacant lands to the north, south, and west, with the closed San Marcos Landfill to the east. The General Plan and zoned Specific Plan Area allows for a full service film production facility on the property. The Loma San Marcos Specific Plan includes discussion of the project's compatibility with the General Plan. The continued operation of the project as provided in this Conditional Use Permit (CUP 21-0004) remains consistent with the goals, policy, and intent of the General Plan and Zoning.
3. The land use allowed in conjunction with the Conditional Use Permit is compatible with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is to be located. The Loma San Marcos Specific Plan Area (SPA-LSM) Zone allows the operation of a film production studio, associated offices, and storage within an existing building. This Conditional Use Permit (CUP 21-0004) allows the continued operation of the facility in accordance with the phasing plan. Land uses to the north, south, and east (landfill) of the site are designated Open Space in the General Plan. Land to the west of the facility, currently located in the unincorporated County, are within the City's Sphere of Influence and designated as Specific Plan Area that includes the potential for light industrial, commercial, and open space land uses. The County of San Diego has advised the City of a development application for the property directly west of the project site, proposing a 76 unit single family residential development with shared access over the project driveway. The adjacent development proposes landscape buffers, open space, gated entries, and an orientation away from the project site. When combined with the conditions of approval of this CUP, impacts are adequately addressed and the site remains compatible with surrounding land uses.

4. All requirements of CEQA have been met, in that the previously adopted Mitigated Negative Declaration (ND 03-681) and the addendum considered with CUP 18-0004 concluded that all impacts either were less than significant or were mitigated to a level of less than significant through recommended mitigation measures.
- G. This Conditional Use Permit is within the scope of the previously adopted Final Mitigated Negative Declaration (ND 03-681) and the mitigation monitoring and reporting program pursuant CEQA.
- H. This Conditional Use Permit is Categorically Exempt (EX 21-030) from environmental review pursuant to CEQA Section 15301, Class 1 (Existing Facility with No Expansion).
- I. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution, or the approved use ceases to operate at the subject property for a period more than twelve (12) months.
- J. This Conditional Use Permit shall expire on March 7, 2025, unless the developer /applicant has initiated Phase 1B. Initiation of Phase 1B shall be accomplished by issuance of applicable permits associated with the Phase 1B improvements. Any request for permit extension shall be applied for by the permittee no later than 120 days prior to the expiration date.
- K. Any future expansion to the facility shall require a modification to this Conditional Use Permit. The Conditional Use Permit application must be submitted for review and approval by the Development Services Department prior to the issuance of any building permits.
- L. The Planning Division may, but is not obligated to, inspect the premises annually to ensure compliance with all conditions of the use permit approval. If the Planning Division determines that compliance is not being achieved after a cure period, then a public hearing must be scheduled for possible use permit modification and/or revocation, in accordance with Chapter 20.545 of the San Marcos Municipal Code (SMMC).
- M. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and procedures, and as authorized by the Loma San Marcos Specific Plan, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- 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, or equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.

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

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 7th day of March, 2022, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Kevin Norris, Chairman

ATTEST:

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Gina Jackson, Senior Office Specialist

**ATTACHMENT(S):**

EXHIBIT A – Conditions of Approval



EXHIBIT A  
RESOLUTION PC/NO. [21-4969]  
CUP 21-0004  
Conditions of Approval

- A. Reliance on the Conditional Use Permit for the operation of the facility in conformance with Phase 1A shall comply with the following operational standards:
1. Phase 1A operations shall consist of the following land uses: 61,650 square feet of movie production studio (including the ability to simultaneously operate no more than five (5) basketball courts, or courts of an equivalent alternative sport), 9,750 square feet of media office for movie production, and 108,135 square feet of storage area for movie production equipment and supplies.
  2. A minimum of not less than 328 spaces shall be provided during Phase 1A and all parking stalls and width of drive aisles consistent with Zoning Ordinance requirements.
  3. Hours of operation for youth sports filming conducted in Phase 1A shall be 3:00 PM to 9:00 PM during weekdays and 8:00 AM to 9:00 PM on weekends.
  4. Other commercial filming conducted in Phase 1A shall take place between 8:00 AM and 3:00 PM. Commercial film production shall not occur onsite on the same day when youth sports filming is occurring.
  5. Competitive youth sports activities on site shall be conducted only in conjunction with onsite commercial film production. Youth sports activity is not permitted independent of commercial film production.
  6. Tournaments associated with the youth sports filming activity shall take place only on weekends and holidays, unless otherwise approved in advance by the Planning Director.
  7. The overflow parking area, shown on the site plan, shall include temporary portable lighting when film production activities are proposed to occur after dusk. The use of any generators necessary to power temporary lighting shall comply with the requirements of the City's Noise Ordinance and shall cease use by 9:00 PM.
  8. The overflow parking lot area shall consist of decomposed granite or other City-approved material for the lot surfaces as well as recycled rubber wheel stops, railroad ties, or other material to clearly delineate the border of the parking lot area.
  9. Gates to the site shall remain locked during non-operating hours.
  10. All film production activities, including youth sport filming, shall be conducted entirely within the enclosed building. Any outdoor film production shall require a formal request for approval by the City Manager or designee, unless exempted by the Planning Division Director. Any formal request for approval must specify the time, place, extent of filming activities, and any special lighting or noise impact which would likely result from these

activities.

11. All filming activities shall remain consistent with the Declaration of Covenants, Conditions, and Restrictions that runs with the land, as recorded as Document # 2007-0627143, dated September 26, 2007.
12. A separate permit shall be required for any new signage, including temporary signs. Signage must comply with the City of San Marcos Sign Ordinance. Directional/wayfinding signage location shall be indicated within the sign permit. Onsite wayfinding signage, not visible from the public right-of-way, is not subject to this provision requiring a permit.
13. Use of the site must be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
14. The building address and suite number must be clearly labeled at front and rear doors for day and night -time emergency responses. In addition, adequate lighting must be provided to deter potential criminal activities (i.e. vehicle burglaries, prowlers, loitering, etc.).
15. The facility must comply with all applicable provisions of San Marcos Municipal Code (SMMC) Chapter 14.15 (Storm Water Management and Discharge Control) and other regional permits/standards for the protection of storm water quality.
16. Non-stormwater discharges, including but not limited to discharge of irrigation run off into the City's storm drain conveyance system, are considered illicit discharges and are prohibited during construction, operation, or maintenance, in accordance with SMMC Chapter 14.15.
17. The applicant /developer is responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
18. The applicant/developer, or any business operating at the site, shall obtain and maintain a City Business License for the duration of the business operations.
19. Special events are prohibited from occurring onsite, with exception of events approved by the City, or as part of an approved Special Event Permit.
20. Sport court areas shall be designed for the safety of the youth sport participants. Walls in the activity area shall be equipped with adequate padding to prevent injury.
21. Use of aerial drones for the filming of youth sports activities is prohibited.
22. Onsite monitoring of indoor methane gas levels is required. Calibration of monitoring equipment shall occur every six months. The applicant/developer shall maintain records of each calibration event, noting the date, sensor number and alarm/no alarm response, or cause such records to be maintained. Applicant/developer shall also cause any exceedance of methane gas above 1.25% by volume in air to be immediately reported to the San Diego

County Local Enforcement Agency.

23. Trash dumpsters shall be kept within the existing enclosures on site, and gates shall be closed to screen the dumpsters from view. When not in use, dumpster lids shall remain closed in order to prevent rainfall from entering the dumpsters in compliance with the City's Storm Water Management requirements.
  24. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
  25. Outdoor storage shall be prohibited on site.
  26. No outdoor PA (public address) system/loudspeakers or bells shall be permitted.
  27. Gates or other devices that may obstruct fire access roadways shall be provided with Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure.
  28. The raised barrier to prevent left-turn movements from the shared driveway onto San Elijo Road, is a requirement of Phase 1A and shall be remain in place until signal installation.
  29. The applicant/developer shall maintain a contract with a film production studio for filming youth sports and provide a copy of said contract to the City upon request, for verification purposes.
  30. The fire sprinkler system shall have current 5-Year sprinkler certificate attached to the riser.
  31. Fire Department Connection shall be maintained and properly labeled with an attached sign indicating the buildings it serves.
- B. Reliance on the Conditional Use Permit, for the operation of the facility in conformance with Phase 1B, shall comply with the following operational standards:
- a. Prior to the construction of any new hardscape enhancements in Phase 1B, detailed landscape and irrigation plans are to be submitted to the Planning Division to illustrate final landscape design consistent with the revised Specific Plan. Landscape plans shall comply with the City's Water Efficient Landscape Ordinance and are subject to plan check and inspection fees.
  - b. The applicant/developer shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce runoff by use of efficient irrigation, and minimize the use of fertilizers, herbicides, and pesticides. Said landscaping plan shall be approved by the city prior to issuance of building permit for phase 1B.
  - c. Improvements to the intersection of the project driveway and San Elijo Road shall be



installed and be operational, in accordance with the approved traffic mitigation measures identified in the original project approval (CUP 03-596 / Resolution No. 2004-6323).

- d. The storm water management facilities shall be designed and installed in accordance with the most current regulatory standards and submitted for review and approval by applicable City departments.
  - e. The applicant/developer shall submit an access and circulation plan for the main entry driveway to accommodate traffic for the County landfill. The applicant/developer shall also coordinate with the City and the adjacent Encina site (APN: 223-080-46-00) to ensure that appropriate access from San Elijo Road is achieved as determined by the City Engineer.
- C. Any modifications, alterations, expansions or other changes must require the modification to this Conditional Use Permit and may necessitate the issuance of Building Permits and reissuance of a Certificate of Occupancy from the Building Division.
- D. Prior to issuance of any grading permit for any phase beyond Phase 1A, the applicant/developer shall comply with the following conditions.
- 1. The applicant /developer shall bear the expense of all onsite and offsite grading and construction of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation, and drainage facilities, as related to this project and as required by the City Engineer.
  - 2. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be at the extreme edges of the ultimate right-of-way including trails to avoid reconstruction or modification of same. Said device shall be screened with landscaping where feasible. These facilities may require additional easements in favor of Vallecitos Water District. Large meter services and detector checks shall be screened with landscaping to the extent feasible.
  - 3. 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.
  - 4. The applicant /developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
  - 5. Individual parking spaces shall be a minimum of nine (9) feet wide by eighteen (18) feet depth. The depth maybe decreased down to sixteen (16) feet when there is allowable curb overhang onto adjacent landscaped areas. Curb overhang maybe allowed adjacent to sidewalks as long as there is a minimum unobstructed sidewalk width of three and one-half (3.5) feet. Otherwise, wheel stops shall be installed to prevent vehicles from hanging over the sidewalk.
  - 6. Prior to the installation of public street lights, the applicant /developer shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate and maintain the public street landscaping (medians and parkways) and lighting system for a period of eighteen (18) months.

7. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this site plan.
8. 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 there from shall be submitted in the form of a report.
9. 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 foundations. 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.
10. The applicant /developer shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. Absent of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
11. Slopes in excess of twenty (20) feet shall not be permitted by grading activities, except for public roadway construction, unless a variance is first approved by the City.
12. 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.
13. Erosion control and /or sediment control details shall be submitted with /on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
14. Prior to the issuance of a grading permit for the southern parking lot, a hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100 -year storm conditions. Storm drains and drainage structures shall be sized for build -out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. 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 and comply with all resource agency permitting in place at the time of grading.

15. 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 onsite and offsite 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.
16. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding diversion of surface waters, the alteration of normal flow of surface waters or drainage, or the installation of the drainage system or other improvements identified in the approved plans.
17. Drainage easements shall be granted between private property owners where private storm drain facilities cross onto adjacent or abutting lots.
18. The applicant /developer shall obtain approval for a final storm water quality management plan ( SWQMP) The storm water management facilities identified in the SWQMP shall address the ultimate condition of the project.
19. 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.
20. 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 Division Director. Other conditions may be imposed by the City Engineer and Planning Division Director, to allow out-of-phase construction.
21. Under separate permit, the applicant /developer shall submit private landscape and irrigation plan area to the Planning Division for review and approval. 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.
22. This project is subject to the payment of a landscape permit and inspection fee for the private landscape plan set. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Professional's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Professional, and estimate the cost of plant and irrigation materials only.
23. The applicant /developer shall comply with all rules, regulations and conditions of the Encina Wastewater Authority, Vallecitos Water District, County Health Department, Hazardous Management Division, the California Department of Toxic Substances Control and the Air Pollution Control District for the operation of this type of facility and the materials used; emitted, and disposed of by the operator. The applicant /developer shall submit a copy of said permits to the Planning Division, prior to issuance of building permits in each phase, if applicable.

E. Prior to issuance of any building permit (including tenant improvements), the applicant/developer shall comply with the following conditions:

1. 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):

CFD 98-01: Improvement Area No. 1 (Police Only).

CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance.

CFD 2001-01: Fire and Paramedic

Additionally, if the City determines it to be necessary, a 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 applicant/developer as depicted on a Special Improvement Area exhibit, to be submitted by the applicant/developer after project approval. Such improvements include, but are not limited to, storm water treatment devices and enhanced landscaping features. No building 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 CFDs for the establishment of the special taxes. In lieu of annexation, the applicant/developer 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 CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents.

2. Prior to issuance of building permits for Phase 2, a Site Development Plan must first be processed and approved by the City.
3. 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.
4. 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.
5. This project is subject to payment of the public facility fee established by the City of San Marcos. The amount of the fee shall be in accordance with the latest adopted ordinance and resolution determined for the project.

6. The U. S. Postal Service delivery system currently in place will meet the needs for Phase 1A. 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 for subsequent phases.
7. Prior to construction, there shall be an all- weather surface street capable of supporting the imposed loads of fire apparatus, and water supplies (fire hydrants), unless City Manager, or his designee, authorizes a deviation or exception from this policy.
8. Prior to issuance of a building permit for each phase, the project will be required to provide an analysis demonstrating that there is adequate parking and on -site circulation, for each phase based on comparable production facilities.
9. Prior to the issuance of building permits for Phase 1B, submit any color change for the existing building to the City for review and approval.
10. Prior to the issuance of building permits for Phase 2, final architectural elevations, materials board and landscape plans conforming to the revised Specific Plan shall be submitted.
11. 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 (CBC), Part 2, Title 24, California Code of Regulations.
12. 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.
13. The City of San Marcos is located in Seismic Design Category "D." Buildings and structures must be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
14. 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.
15. Tenants are required to obtain written permission from the building owner, or owner's agent, prior to obtaining a building permit from the City. Per San Marcos Municipal Code Chapter 17.08.030 Section 105.10, the tenant must obtain written permission from the building or property owner that the applicant/developer is authorized to proceed with the proposed construction.
16. 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.
17. The proposed development shall satisfy the conditions of approval prior to the first occupancy as required per each Phase. The applicant /developer shall obtain approval from

all City departments and other agencies or shall cause such approval to be obtained before requesting a Certificate of Occupancy ("C of O") from the Development Services Department.

18. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.
19. The proposed new development is subject to the payment of development fees and in lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
20. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. Provide a copy of building plans in Geo-Referenced format to be used by fire dept. for pre-fire planning purposes.
21. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code, California Residential Code and /or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.
22. All improvements shall comply with the latest adopted California Fire Code and San Marcos Fire Code Ordinance.
23. The proposed development must comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
24. For each phase, the applicant /developer shall obtain a letter from Vallecitos Water District indicating that the existing water and sewer facilities are sufficient for each Phases of the project.
25. Any new development requiring additional water or sewer service beyond the current capacity of the existing facilities is subject to the approval of the Vallecitos Water District and all applicable fees and charges shall be paid to the satisfaction of the district prior to permit issuance.
26. Prior to issuance of a building permit for all phases beyond 1A, any water wells, excluding monitoring wells, shall be abated or reconstructed in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the State Water Code.
27. Sewer and water utilities shall be located wholly on the lot' that serves the building in accordance with the latest adopted edition of the Uniform Plumbing Code.
28. 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.

29. The applicant /developer shall obtain required OSHA permits for excavations and rock drilling operations in accordance with the California Code of Regulations, Title 8, Section 1503.
30. Any new development is subject to the payment of School Fees as required by law. The applicant /developer is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
31. Any new development is subject to the payment of development fees and in -lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
32. Prior to the issuance of building permits for Phase 1B, all proposed buildings shall be subject to design review by the Planning Division consistent with the revised Specific Plan. This would require submittal of architectural elevations, renderings and /or material boards.
33. Prior to issuance of building permits or occupancy for Phase 1B, whichever occurs first, 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 site plan and shall pay the City for the right -of -way already acquired for Allied Waste for the widening of San Elijo Road. All dedicated easements or rights -of -way 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.
34. Prior to issuance of any grading or building permit for Phase 1B, whichever occurs first, San Elijo Road shall be dedicated /acquired by the applicant /developer along the project frontage based on a Prime Arterial Street centerline to right -of -way width of 63 feet. An additional trail easement shall be granted to the satisfaction of the Parks and Recreation Director. The trail shall be improved to then-current standards.
24. Prior to issuance of any grading or building permit for Phase 1B, whichever comes first, the applicant /developer shall design and submit plans and specifications for construction along the project frontage and transitions of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation, and drainage facilities, as related to this project and as required by the City Engineer. Curb, gutter, and ADA-accessible pedestrian facilities, driveway crossings, and pedestrian ramps shall be constructed along the frontage of the project to San Elijo Road. Said improvement shall be constructed prior to occupancy of Phase 1B.
35. Prior to issuance of and grading or building permits for Phase 1B, whichever occurs first, the applicant /developer shall design and submit plans and specifications for construction of an additional travel lane along the project frontage and transitions, and off -site installation of a traffic signal at San Elijo Road and the entrance to the project. Said plans shall include a signage and striping plan utilizing CalTrans standards. Said improvement shall be constructed prior to occupancy of Phase 1B.

36. Prior to issuance of building permit or occupancy for Phase 1B, whichever occurs first, the applicant shall enter into a Development Improvement Agreement with the City to complete the all required public improvements within a period specified in the agreement unless agreement is incorporated as part of the larger San Elijo Road improvement project.
  37. Prior to the issuance of building permits for Phase 1B, the applicant /developer shall submit a final site entry improvement plan if changed from the previously approved entry plan subject to approval by the City Engineer delineating the ingress /egress to the Landfill and studio /office project. If development on APN 223-080-46-00 (parcel to the west) commences before Phase 1B goes forward, the applicant shall submit the final entry improvement plan for City approval. The site plan shall also illustrate required stacking or queuing distance on San Elijo Road or the entry area. The applicant /developer shall also coordinate with the City and adjacent site (APN: 223-080-46-00) to ensure that appropriate access from San Elijo Road is achieved as determined by the City Engineer.
  38. Prior to issuance of any building permit or occupancy for Phase 1B, whichever occurs first, 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, traffic signal, additional travel lane and transitions, storm drain facilities, landscaping, and off -site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "Approved" public improvements within a period to be specified in the Development Improvement Agreement.
- F. During the construction phase, 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 within or adjacent to (driveways) public right-of-way for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
  3. Paving of roads /parking lots shall be completed as early as possible to mitigate short - term dust problems associated with construction.
  4. Prior to the delivery of combustible building construction materials to the project site; the following conditions shall be completed to satisfaction of the Fire Department. (1) Fire Hydrants(s) shall be installed, approved, and usable and (2) Fire Lane or Access Roads shall be in place and provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75, 000 lbs.).
  5. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and



the Public Works Director.

6. Grading, excavation or other related earth moving operations, including warm -up and maintenance activities, shall be limited to the hours of 7:00 AM to 4:30 PM, Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
7. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work must 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.
8. 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.
9. The applicant /developer shall construct erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (November 1 through April 1).
10. Dust and dust producing materials must 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 must be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
11. 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.
12. The applicant/developer shall ensure that the grading and other construction activities meet the provisions identified in SMMC Chapter 14.15 and other regional permits/standards for the protection of storm water quality.
13. During construction the applicant/developer must implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the SMMC Chapter 14.15 may 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.
14. 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.

15. 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.
  16. The applicant/developer shall minimize exposure time of disturbed soil areas.
- G. Prior to occupancy, the applicant/developer shall comply with the following conditions:
32. The proposed development must satisfy the applicable conditions of approval prior to the occupancy of each phase. The applicant /developer must obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department.
  33. Prior to occupancy of Phase 1B, all improvements shown on the improvement plans, as approved by the City Engineer, including, but not limited to the onsite improvements, additional travel lane and transitions, and the traffic signal, shall be constructed or modified as applicable, prior to release of any improvement securities.
  34. Prior to occupancy of Phase 1B, the applicant/developer shall perform an evaluation to determine the necessity of a retrofit and/or seal of all existing and proposed conduits and conduit perforations into the building structure with explosive proof or intrinsically safe conduit seals to preclude the migration of landfill gas into the structure unless such seals are already in place.
  35. Prior to final inspection of grading and /or improvements in Phase 1B, "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.
  36. A digital file on a thumb -drive or a disk of all plans and maps shall be submitted to the City.
  37. Prior to occupancy Phase 1B, 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.
  38. Prior to occupancy Phase 1B, the applicant /developer shall obtain approval for a final storm water quality management plan (SWQMP). The storm water management facilities/post construction BMPs identified in the SWQMP shall address the ultimate condition of the project.
  39. Prior to occupancy of Phase 1B, the applicant /developer shall ensure that all post construction BMPs identified in the approved SWQMP are installed and are functioning properly.

40. Prior to occupancy of Phase 1B, the applicant/developer shall submit, for City review and approval, a mechanism to ensure ongoing long term maintenance of all structural post-construction Best Management Practices (BMP's).
41. If grading activities create new slopes, then the applicant /developer shall stabilize all slopes per a City approved method.
42. Prior to occupancy of Phase 1B, the applicant /developer shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding of all utilities fronting and along the front entry driveway and parking areas serving the property with the exception of sixty-nine (69) KVA or greater power lines within the site.
43. Prior to occupancy of Phase 1B, the mitigation measures contained in the Mitigation Monitoring & Reporting Program ("MMRP ") shall be implemented in conjunction with the development of the Project.
44. Prior to the occupancy of Phase 2, all utilities fronting, or 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.
45. At each phase, all landscaping shall be installed, and inspected and approved by the Planning Division. Landscaping shall be established and flourishing in a healthy manner. The applicant/developer shall be responsible to contact the Planning Division for inspection.
46. At each phase, the applicant/developer 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 Water Quality Technical Report, respectively.