



# Report

## MEETING OF THE PLANNING COMMISSION

**MEETING DATE:** May 2, 2011

**SUBJECT:** JP Morgan Chase. Drive-thru Bank  
SP 89-18 (10M) & CUP 10-839

### **Recommendation**

Conditionally approve the modification of the San Elijo Hills Specific Plan to allow the construction of a drive-thru bank per the entitlements requested in Attachment A.

### **Introduction**

The project proposes a 4,264 square-foot drive-thru bank on a 0.62-acre lot within the existing Albertsons commercial center on the south side of San Elijo Road. The proposed bank will be developed on an existing graded pad within the center which was previously approved by Site Development Plan (SDP 04-287). The development will provide eighteen (18) parking spaces for its employees and visitors.

### **Discussion**

The site is zoned Specific Plan Area (SPA), and located within Planning Area C2 of the San Elijo Hills Specific Plan. The General Plan designates the site as "Specific Plan Area, Mixed-Use". The project site is surrounded by a commercial center to the east; multi-family residential to the southwest, and a gas station to the northwest across San Elijo Road. Drive-thru facilities are not permitted per the San Elijo Hills Specific Plan given its mixed-use and building orientation up to the street. Therefore, the proposed use would be considered a significant land use impact. As a result, the project proposes a modification of the San Elijo Hills Specific Plan to allow for a drive-thru bank or financial institution with approval of a Major Conditional Use Permit (CUP) at the subject property. Approval of a Specific Plan modification and Conditional Use Permit will deem the proposed project in compliance with the Specific Plan; therefore, reducing the land use impact to less than significant.

The project proposes an enhanced architectural style by incorporating a metal canopy over the entry, canvas awnings, corniced parapets with corbels, staggered building planes, and an exterior consisting of stucco and brick veneer materials. The proposal is architecturally compatible with the existing buildings within phase one of the San Elijo Town Center, and complies with the Specific Plan. The drive-thru window is located on the southwest side of the building and is architecturally enhanced with a porte-cochere. Landscaping and a low decorative stone clad wall will screen the drive-thru from view from San Elijo Road, and screen potential headlights of cars in the drive-thru from directing light onto San Elijo Road or the multi-family residential development to the southwest. In addition, the trash enclosure will be architecturally compatible with the building and have a solid cover, roof

equipment will be required to be screened from view from San Elijo Road and the adjacent residential development, and the ATMs will be located within the building.

It is estimated the proposed drive-thru bank will generate 853 Average Daily Trips (200 trips per 1,000 square feet). Per SDP 04-287, the Albertsons commercial center was previously approved for a 8,660 square-foot retail building on the subject building pad. Using the trip generation rate of 120 trips per 1,000 square feet for a neighborhood commercial center, the previous 8,660 square-foot building was estimated to generate 1,039 ADT. Therefore, the proposed drive-thru bank is estimated to generate a lower ADT than the previously approved building. 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 a planned intra-City shuttle system which will assist in the reduction of City-wide traffic congestion and impacts to SR-78. The project will have access through the Albertsons commercial center via two (2) driveway entries off of San Elijo Road and one (1) from Elfin Forest Road. The project complies with the parking requirement by proposing eighteen (18) parking spaces using a rate of 4.3 spaces per 1,000 square feet of commercial area which complies with the San Elijo Hills Specific Plan. Parking will be provided in the commercial center through a shared parking agreement, and on-street parking as allowed per the collective parking standards of the San Elijo Hills Specific Plan. In addition, the site layout provides adequate drive-thru circulation for customers, including directional signage to the drive-thru, and access for emergency vehicles. The project will include reconfiguration of several existing parking spaces in the Albertsons parking lot to allow for the addition of a trash enclosure and landscape planter, and relocation of a parking lot light pole.

Staff received an e-mail (Attachment "E") from the public regarding the current traffic flow through the town center. As indicated in staff's response to the e-mail, the proposed project would not add any additional driveways onto San Elijo Road which may interfere with traffic flow, and the City has been monitoring and adjusting traffic signal timing at the town center intersections. In addition, the Sheriff's Department has been active in enforcing the speed limit to reduce speeding along San Elijo Road.

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### **Attachment(s)**

#### **Adopting Resolution**

- A- Requested Entitlements
- B- Site & Project Characteristics
- C- Aerial Map
- D- Negative Declaration 11-808
- E- Public Comments

Submitted by:

  
\_\_\_\_\_  
Jerry Backoff  
Planning Division Director

  
\_\_\_\_\_  
Michael D. Edwards  
City Engineer

Reviewed by:

  
\_\_\_\_\_  
Charlie Schaffer  
Development Services Director

ATTACHMENT A  
Requested Entitlements

- Specific Plan Amendment (SP 89-18 (10M)) to the San Elijo Hills Specific Plan
- Conditional Use Permit (CUP 10-839) to allow for the construction of a drive-thru bank within the San Elijo Hills Specific Plan Area (SPA)

## ATTACHMENT B

### Site & Project Characteristics

<u>Property</u>	<u>Existing</u>	<u>Zoning</u>	<u>General Plan</u>
<u>Land use</u>		<u>Designation</u>	
Subject	Vacant Pad	SPA	Specific Plan Area: Mixed-Use
Northwest	Gas Station	SPA	Specific Plan Area: Mixed-Use
South	Commercial Center	SPA	Specific Plan Area: Mixed-Use
East	Commercial Center	SPA	Specific Plan Area: Mixed-Use
Southwest	Multi-Family Residential	SPA	Specific Plan Area: Mixed-Use

  

Flood Hazard Zone	<u>yes</u>	<u>x</u> <u>no</u>
Resource Conserv. Area	<u>yes</u>	<u>x</u> <u>no</u>
Redevelop. Proj. Area 3	<u>x</u> <u>yes</u>	<u>no</u>
Sewers	<u>x</u> <u>yes</u>	<u>no</u>
Septic	<u>yes</u>	<u>x</u> <u>no</u>
Water	<u>x</u> <u>yes</u>	<u>no</u>
Gen. Plan Conformance	<u>x</u> <u>yes</u>	<u>no</u>
Land Use Compatibility	<u>x*</u> <u>yes</u>	<u>no</u>

\*with approval of SP 89-18 (10M) & CUP 10-839 to allow for a drive-thru

#### Development Standards per the San Elijo Hills Specific Plan:

<u>Setbacks</u>	<u>Required</u>	<u>Proposed</u>
Front	0'	26.1'
Rear	0'	7.3'
Side	0'	52.6'/137.6'
Height	45' (3-story)	23' (1-story)
Parking	18	18

ATTACHMENT C  
Aerial Map

# Vicinity Map



ATTACHMENT D  
Negative Declaration 11-808

**ATTACHMENT E**  
Public Comments

" E "

**Pedersen, Norman**

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**From:** gradijan@cox.net  
**Sent:** Tuesday, January 11, 2011 5:24 PM  
**To:** Pedersen, Norman  
**Subject:** RE: SP 89-18 (10M) & CUP 10-839 Chase Bank, San Elijo Road

Thank you,

Actually the opening of Cooke street has done nothing to minimize the cut thru traffic. The cars zoom thru, often creating a hazard. This situation should be examined closer as long as traffic is permitted to cut thru the gas station, it is dangerous. Also, the traffic signals are still off as we have informed the traffic division that the light on Cooke (from Albertsons heading to west on San Elijo road to rancho Santa Fe is a short light and again, cars race thru the red lights daily! I live in Morgan's Corner on a corner and see the red light runners. In any event, I wanted to voice my concerns...the traffic plan for this community was rather poor and now the after affects are how to minimized the dangers.

Thank you,

Michelle Gradijan-Wahl

On Tue, Jan 11, 2011 at 4:47 PM, Pedersen, Norman wrote:

> Ms. Gradijan-Wahl,  
>  
> Thanks for your interest in the proposed drive-thru bank on San Elijo  
> Road.  
> The Albertsons shopping center was originally approved and graded to  
> accommodate an additional commercial building within the center. This  
> building pad is located adjacent to the westerly driveway entry on San  
> Elijo Road.  
> The proposed bank will not create any additional driveways onto San  
> Elijo Hills Rd or any other adjacent street. The amount of traffic  
> that will be generated by the proposed bank is expected to be minimal.  
> Traffic engineering has been monitoring the existing traffic  
> conditions along San Elijo Road. We will look into optimizing  
> existing traffic signal operations. Optimization of the signals could  
> include the coordination and timing adjustments of the traffic signals  
> allowing for improved traffic operations during the AM and PM peak  
> periods. The Sheriff's Department has been involved in monitoring and  
> enforcing speed limits in the town center to reduce speeding along San  
> Elijo Road and provide an orderly movement of traffic. The opening of  
> Cooke Street between San Elijo Road (East and West) has reduced  
> cut-through traffic at the existing Chevron gas station. Engineering  
> will continue its efforts in conjunction with the Sheriff's  
> department to ensure better traffic operations in the San Elijo Town  
> Center Area.  
>  
> If you have any questions, please contact me.  
>  
> Thanks  
> Norm Pedersen  
> Associate Planner  
> City of San Marcos Planning Division

> 760.744.1050 x3236  
> npedersen@san-marcos.net

>  
>  
>  
>  
> -----Original Message-----  
> From: gradijan@cox.net [mailto:gradijan@cox.net]  
> Sent: Sunday, December 26, 2010 2:35 PM  
> To: Vandrew Rodriguez, Susan  
> Subject: SP 89-18 (10M)/ CUP 10-839

>  
> Regarding the project for a drive thru bank at the Albertsons's  
> shopping center, I strongly oppose this project. The traffic is heavy  
> and congested already on these roads and any additional pull-outs will  
> only increase this. We have small one way lane flow of traffic, and  
> people try to zip thru the one traffic light exiting Albertsons' or  
> they try to zip out of the western exit and cut thru the gas station.  
> Already we have had numerous sheriff patrols to monitor the high speed  
> rates, increase traffic flow, and the light wait times. I do not see  
> any benefit adding a bank when we have access across Twin Oaks or any  
> direction of normal commute via Encinitas, Palomar Airport or San  
> Marcos.  
>  
> I just don't think this will bring any positive influence to our  
> community as building for businesses has been stalled and having a  
> bank, seems like a branch within the store of albertsons' or a walk up  
> kiosk would better serve to minimize our congestion.  
> Michelle Gradijan-Wahl



RESOLUTION PC 11-4225

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION RECOMMENDING TO THE CITY COUNCIL  
APPROVAL OF AN AMENDMENT TO THE SAN ELIJO HILLS  
SPECIFIC PLAN

SP 89-18 (10M)  
JP Morgan Chase

WHEREAS, on November 23, 2010 an application was received from JP Morgan Chase requesting an amendment of the San Elijo Hills Specific Plan to allow for a drive-thru bank, in conjunction with a Conditional Use Permit (CUP 10-839), in an existing commercial center within the San Elijo Hills Town Center on the south side of San Elijo Road in Planning Area C2 of the San Elijo Hills Specific Plan Area (SPA), more particularly described as:

Lot 10 of San Marcos Tract No. 400, Phase 1, Unit No. 34, according to map thereof No. 15432, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on September 19, 2006. Assessor's Parcel Number: 223-820-10.

WHEREAS, the adopted San Elijo Hills Specific Plan does not allow drive-thru facilities in the Town Center; and

WHEREAS, the Specific Plan Amendment is limited to a single parcel (APN: 223-800-10); and

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

WHEREAS, the required public hearing held on May 2, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Negative Declaration (ND 11-808) 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 Amendment, as conditioned, will comply with the goals and objectives of, and is consistent with, the adopted Questhaven/La Costa Community Plan, and will not result in an increase in density of residential, commercial, or other density contemplated under the existing Specific Plan, but will

allow for a drive-thru for a bank or financial institution at the subject location only, since it is somewhat separated from the rest of the Town Center mixed-use.

2. The proposed Specific Plan Amendment, as conditioned, will encourage the orderly development of the Specific Plan as established by the Questhaven/La Costa Community Plan.
3. The proposed Specific Plan Amendment, as conditioned, will not be detrimental to the public health, safety, morals, and welfare in that the proposed drive-thru bank will be conditioned through the required Conditional Use Permit (CUP 10-839) for architectural treatment, setbacks, landscaping, parking, signage, and adequate public facilities and infrastructure, including fire, police, water, sewer, and road improvements as conditioned through these approvals.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. Mitigated Negative Declaration (ND 11-808) is hereby approved.
3. This Specific Plan Modification (SP 89-18 (10M)) is hereby recommended to the City Council for approval.
4. This Specific Plan (SP 89-18 (10M)) is approved in conjunction with the submitted Conditional Use Permit (CUP 10-839), and all conditions of approval specified in Resolution PC 11-4224 is hereby incorporated by reference herein.
5. Prior to approval of grading plans and/or building permit application, whichever comes first, the applicant shall submit the revised specific plan document with corrections made per the errata sheet to the Planning Division for review and final approval. Upon final approval, the applicant shall submit five (5) final copies (bound color copy with 11"x17" pull-outs and CD digital file) to the Planning Division.
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 2<sup>nd</sup> day of May, 2011, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

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Steve Kildoo, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Planning Secretary  
SAN MARCOS CITY PLANNING COMMISSION

## ERRATA SHEET FOR SPECIFIC PLAN (SP 89-18 (10M))

Page V:-23	<p>c. Conditional Uses Permitted</p> <p>Conditional uses may be permitted. These permitted uses would include any other uses not otherwise listed in this text which are of the same general character as the uses permitted by this text and are not inconsistent with its purpose as determined by the Planning Director.</p> <p>A conditional use permit is required for:</p> <ol style="list-style-type: none"><li>1) Arcade including internet café, club, bar or cocktail lounge.</li><li>2) Automobile service station (maximum one).</li><li>3) Automobile car wash (when combined with service station).</li><li>4) Daycare facility.</li><li>5) Health club or spa.</li><li>6) Preschool.</li></ol> <p>(ADD)</p> <ol style="list-style-type: none"><li>7) <u>Drive-thru for bank or financial institution (limited to APN: 223-820-10 only). Drive-thru's for other uses are not permitted elsewhere within the Town Center.</u></li></ol>
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RESOLUTION PC 11-4224

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION RECOMMENDING TO THE CITY COUNCIL  
APPROVAL A CONDITIONAL USE PERMIT FOR THE  
CONSTRUCTION OF A DRIVE-THRU BANK WITHIN THE  
SAN ELIJO HILLS SPECIFIC PLAN AREA (SPA)

CUP 10-839  
JP Morgan Chase

WHEREAS, on November 23, 2010 an application was received from JP Morgan Chase requesting a Major Conditional Use Permit to allow the construction of a 4,264 square-foot drive-thru bank, in conjunction with Specific Plan Modification (SP 89-18 (10M)), within an existing commercial center on the south side of San Elijo Road in Planning Area C2 of the San Elijo Hills Specific Plan Area (SPA), more particularly described as:

Lot 10 of San Marcos Tract No. 400, Phase 1, Unit No. 34, according to map thereof No. 15432, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on September 19, 2006. Assessor's Parcel Number: 223-820-10.

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

WHEREAS, the required public hearing held on May 2, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Negative Declaration (ND 11-808) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

1. The granting of the Conditional Use Permit will not adversely affect the implementation of the General Plan in that the proposed drive-thru bank is consistent, per the approval of Specific Plan Modification (SP 89-18 (10M)), with the "Specific Plan Area, Mixed-Use" designation of the Questhaven/La Costa Community; and complies with the conceptual site plan established by Site Development Plan (SDP 04-287) for the Albertsons commercial center.
2. The granting of the Conditional Use Permit will not be materially detrimental to the public health, safety and welfare or injurious to property or improvements in that the proposed drive-thru bank will provide adequate setbacks and separation from surrounding buildings within the commercial center; screening of the drive-thru from

public view; adequate parking per the requirements of the San Elijo Hills Specific Plan; and will meet Federal and State requirements for disabled access.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 11-808) is hereby approved pursuant to the California Environmental Quality Act (CEQA).
- C. The Conditional Use Permit is approved per the submitted site plan (4,264 square-foot drive-thru bank), floor plans, architectural/color elevations, conceptual landscaping plan, and materials board, except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 11-4224.
- D. The site plan shall be modified as follows:
  1. A three (3) foot high wall shall be added to the outside of the drive-thru aisle in order to screen it from view. The wall shall be constructed with the same material as the base of the building with a decorative cap.
  2. On Sheet C100, Note 7, the trash enclosure shall architecturally match the proposed building.
  3. On Sheet C100, Note 16, truncated domes shall be gray in color.
  4. On Sheet C100, under Utility Contacts, "San Marcos" shall be spelled correctly.
- E. The architectural elevations shall be modified as follows:
  1. Notes shall be revised to indicate a bronze metallic color for the metal canopy above the entry doors. The applicant shall submit a material sample for review and approval to the Planning Division prior to issuance of building permit.
  2. Notes shall be revised to indicate the canvas awnings are black in color. The applicant shall submit a material sample for review and approval to the Planning Division prior to issuance of building permit.
  3. On Sheets A3.1 & A3.2, on the north and west elevations respectively, the spandrel glass shall be similar in appearance to the standard glass windows of the building. The applicant shall submit a material sample of the spandrel glass for review and approval to the Planning Division prior to issuance of building permit. Dependent upon review of the spandrel glass, it may be determined by the Planning Division Director that an alternative architectural enhancement shall be used instead of the spandrel glass.

4. On Sheet A3.2, the center window shall be standard glass entirely.
5. On Sheet A3.1, the east and north elevations shall be indicated as northeast and northwest, respectively.
6. On Sheet A3.2, the west and south elevations shall be indicated as southwest and southeast, respectively.

F. The floor plans shall be modified as follows:

1. Each room shall be identified and dimensioned on the floor plans.

G. The landscape plans shall be modified as follows:

1. Red bark mulch shall be used throughout all planter areas for weed and erosion control purposes.
2. The minimum height and spread shall be indicated for each type of proposed tree in accordance with the City's Minimum Tree Standards.
3. All trees shall be twenty-four (24) inch box in size.
4. Water quality features, as approved by the City Storm Water Manager, shall be shown and identified on the landscape plans.
5. Landscape plans shall show details of planting.
6. Additional trees and dense shrubs shall be added to the southwest slope (facing adjacent condominium complex) in order to screen the drive-thru from view. All trees on this slope shall be evergreen.

H. Within thirty (30) days of the approval of the Conditional Use Permit (CUP 10-839), the site plan, elevations, floor plans, etc. shall be submitted as a digital file and original mylar along with a mylar of this resolution as 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 11-4224." 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 mylars shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.

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

1. The on-site circulation of this project shall be proven to accommodate the turning and backing movements of emergency vehicles to the satisfaction of the Fire Marshal and City Engineer.
2. The applicant/developer shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, storm drain facilities, landscaping, and off-site street repair as applicable and determined by the City Engineer. 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" improvements.
3. The applicant shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
4. 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.
5. Minimum throat stacking distance for all driveways shall be twenty (20) feet (measured from the ultimate right-of-way line). The entire twenty (20) foot throat distance shall be designated by a raised curb. This minimum shall be increased as deemed necessary by the City Engineer.
6. Individual parking spaces shall be a minimum of nine (9) feet wide by twenty (20) feet depth. The depth maybe decreased down to seventeen and one-half (17.5) 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 four (4.0) feet. Otherwise, wheel stops shall be installed to prevent vehicles from hanging over the sidewalk.
7. For commercial areas that share access and/or parking, an unsubordinated reciprocal access, parking, and maintenance 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.
8. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this site plan.
9. At the discretion of the Fire Marshal, a digital disk shall be submitted containing the following information: street centerline, subdivision boundary, lot lines, street right of way, building footprints and fire hydrants. Said files shall be in an Autocad format acceptable to the City of San Marcos and shall be on the correct coordinate system.

10. A letter of permission from Vallecitos Water District shall be provided for the construction of a drive-thru, private storm drain, low decorative wall, and landscaping through and over the eight (8') foot by twenty (20') foot easement located at the northern corner of the project site along San Elijo Road.
11. A detailed grading plan shall be submitted to the City's Engineering Division for review and approval.
12. A geologic and soils update letter shall be prepared for the proposed project. Said update letter shall have a statement from an engineer providing details on any changes that have occurred since the preparation of the original soils report. Said letter shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering and Building Divisions. Recommendations of the Civil and/or Geotechnical Engineer, City Engineer and Building Official shall be implemented at the time of development of the project. Infiltration Best Management Practices (BMPs) other than bio-retention swales shall be addressed with site specific permeability tests in accordance with the current City Standard Urban Stormwater Mitigation Plan (SUSMP). Proposed Low Impact Development Features should also be addressed in accordance with recommended design features in the current City SUSMP and/or California Stormwater Quality Association (CASQA) relative to geotechnical concerns.
13. 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.
14. The applicant/developer shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
15. 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, San Diego Regional Water Quality Control Board (SDRWQCB) Municipal Storm Water Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
16. Any changes to the site drainage that results in a flow that is not consistent with the most recent Hydrology report on file in the City shall result in a supplement of said report. A hydrology report supplement 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 of proposed project. 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. Any supplement 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 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. All required calculations to meet Order R9 2007-0001 and its current amendments shall be included in the hydrology submittals, including design calculations, cut sheets, and other information to comply with Order R9 2007-0001.

17. The applicant/developer shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the applicant/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
18. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any grading or building permit.
19. Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lot/s.
20. The developer shall submit a Water Quality Improvement Plan (WQIP) to reflect the latest City of San Marcos Storm Water Standards Manual guidelines as well as Order No. R9-2007-0001. Low Impact Development (LID) standards shall be incorporated to the satisfaction of the City Engineer. If the project is phased, the WQTR shall address the Best Management Practices (BMPs) to be utilized for each phase. The WQIP shall include a title sheet, a sheet addressing source control, a sheet addressing site design/LID, a sheet for water quality treatment control/ hydro-modification, and a sheet summarizing operation and maintenance. All Order R9 2007-0001 and current City SUSMP required constructed improvements shall be shown and tabulated on the WQIP. All Order R9 2007-0001 and current City SUSMP required constructed improvements shall be coordinated with building, grading, improvement, and landscape plans. Said WQIP shall be to the satisfaction of the City Engineer.
21. The applicant shall submit to the City for review and approval WQIP sheets that include a combination of BMPs in accordance to the City's latest Storm Water Standards Manual requirements and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-0001.

Each structural treatment control BMP shall have the following information listed on the BMP sheet:

- a. Latitude and Longitude.
- b. Maintenance Requirements.
- c. Assessor Parcel Number location for each BMP.
- d. Type of BMP per CASQA classification.
- e. Pollutants removed by each BMP and Efficiency.
- f. Anticipated Project Generated Pollutants.
- g. Downstream Impaired Water Body Pollutants.
- h. Model number, manufacturer, manufacturer phone number, treatment flow, retention times for each BMP.
- i. Area of project treatment for each BMP.
- j. A unique BMP ID number shall be assigned by the City and shall be shown on the BMP sheet.
- k. Long term maintenance schedules and mechanisms to ensure maintenance.

22. The WQIP shall identify the structural treatment controls shall remove the primary project pollutants of concern generated by the project and downstream impaired water bodies listed by the SWRCB 303(d) listing to a medium pollutant removal efficiency for those pollutants as listed in the Approved City of San Marcos Storm Water Standards Manual.

23. The applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides. The project landscape architect shall sign this plan certifying the BMP's have been incorporated into the landscape plans.

24. The applicant shall submit for City review for the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest CASQA SWPPP Preparation Manual, to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall satisfy the requirements of the latest State Water Resources Control Board General Construction Permit. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (BMP) implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction. The SWPPP shall be prepared by a registered civil engineer or QSD.

25. The applicant shall submit proof of coverage under the State Water Resources Control Board General Construction Permit. The Waste Discharge ID number (WDID#) shall be identified on the Title sheet to the Project plans, the grading plans, and the erosion control plans. Coverage under the SWRCB General Construction Permit shall be maintained until the developer has submitted the Notice of

Termination (NOT) to the San Diego Regional Water Quality Control Board and received approval of the NOT from the SDRWQCB. The developer shall notify the City Storm Water Program Manager forty-five (45) days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the approved WQTR shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City.

26. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.
27. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure ongoing long-term maintenance of all structural post-construction Best Management Practices (BMPs).
28. All post construction structural BMPs shall be shown in detail on the construction plans and submitted to the City for review and approval.
29. The applicant/developer shall enter into an agreement with the City regarding financial participation of the project in the planned intra-City shuttle system.
30. 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. Landscape plans shall incorporate all modifications as conditioned.
  - 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 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. Proposed plant material shall be consistent with the existing plant palette of the Albertsons center and comply with the landscape requirements of the San

Elijo Hills Specific Plan.

- e. Plant material and irrigation design shall comply with the City's landscape Water Efficiency Ordinance, Section 20.82 of the San Marcos Municipal Code.
- f. 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 WQIP.
- g. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division and/or Landscape District Supervisor 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 and/or Landscape District Supervisor. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

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

- 1. Buildings and structures shall be designed to conform to the latest standards adopted by the State of California in the California Building Code, Part 2, Title 24, and California Code of Regulations.
- 2. Building plans and instruments of service shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- 3. 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.
- 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 shall be identified in accordance with Health and Safety Code Section 25101.
- 5. An automatic fire extinguishing is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the National Fire Protection Association standards.
- 6. The proposed development shall comply with Federal Law, American with Disabilities Act (ADA-90), and State Law, California Code of Regulations, Title

24, for accessibility standards for the disabled.

7. The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee shall be based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
8. The proposed development is subject to the approval of the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.
9. 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.
10. 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.
11. All rooftop mechanical units, vents, ducts, etc. shall be screened from street grade view and surrounding properties, such as the adjacent multi-family development to the west, by parapet walls and/or architectural enhanced enclosures as approved by the Planning Director. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Cut sheets of actual units shall be included with plans. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
12. All exterior lighting shall comply with City standards for energy efficient lighting as approved by the City.
13. Architectural lighting plan shall be included with the building plans that show the type, style, and location of all exterior building and parking lot lights. Proposed exterior light fixtures shall match existing lighting. Plans shall include photo of fixture and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc.
14. 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 building 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. Trash container lids shall be kept closed at all times.

15. 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.).
16. All parking and driveway areas shall be surfaced with Asphaltic Concrete (AC) or Portland Cement Concrete (PCC) over a prepared base.
17. Six (6) inch high Portland Cement Concrete (PCC) curbing shall be installed separating all paved areas from all landscaped areas. Where curbing may conflict with vehicle turning movements, corner cutoffs or radii shall be provided as required by the Fire Department.
18. The San Elijo Hills Town Center Comprehensive Sign Program shall be modified to include the proposed drive-thru bank. Any monument sign shall be consistent in size and style with the existing Albertsons monument sign. A separate permit shall be required for any signage. No signage shall be permitted on the awnings.
19. 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.
20. The applicant/developer shall provide the City Engineer a copy of the State Water Resources Control Board permit issued for the project under the NPDES General Permit.

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

1. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.
2. The project shall comply with Regional Air Quality Standards.
3. The applicant 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.
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. The applicant shall minimize exposure time of disturbed soil areas. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
6. 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.
7. 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.
8. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or holidays observed by the City of San Marcos. Failure to comply with result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS, and the issuance of citations as appropriate. Citations for hours of work violations require mandatory court appearance in North County Superior Court.
9. During grading and construction operations, the applicant 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.
10. The hauling of earth and construction materials shall only occur along roadways that offer direct access to the site. No earth or construction material shall be allowed to use the adjacent developed residential streets. In the event that the hauling of earth and construction over residential streets of developed areas is unavoidable the applicant shall receive permission of City Engineer and/or the Director of Public Works and comply with all necessary review.
11. The applicant shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method. All effective combinations of erosion and sediment control shall be in compliance with SWRCB Order 2010 -0009 DWQ and the updated SWPPP.
12. The applicant 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.

13. The applicant shall ensure that the grading and other construction activities meet the provisions specified in the California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-0001 – Section D.2.
14. Submittal letter from the State Water Resources Control Board (SWRCB), showing WDID number assigned to project, shall be on site during construction to show proof of coverage under the current SWRCB General Construction Permit.
15. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention plan (SWPPP) measures as required on the approved plans and according to the current California State Water Resources Control Board General Construction Permit. Violations of the City's Storm Water Management Ordinance SMMC 14.15 will result in citations and orders to stop work with required report to the SDRWQB until the City determines the project to be in compliance with the requirements.
16. Dewatering cannot be conducted unless a dewatering permit has been obtained by the SDRWQCB under Order 2008-0002 and submitted to the City Engineer.
17. Prior to release of any securities for grading activities, a digital disk of all as-built drawings and maps is required on a CD. Said files shall be in a CAD format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. PDF versions of all approved drawings and recorded documents shall be provided. In addition, electronic files of the project reports (i.e.: soils report, drainage study, SWPPP, Water Quality Improvement Plans (WQIP) and Required Water Quality and Hydro-modification Supporting Calculations and documents in accordance with Order R9 2007-001 and current amendments, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. Copies of the final as-built drawings shall be submitted on a CD in a format acceptable to the City. A Mylar of all approved, As-Built, plans is also required.
18. A test sample of the proposed exterior colors shall be applied to an area of the building 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 entire building. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Director. The applicant/developer shall be responsible to contact the Planning Division for inspection.
19. Installation of landscaping and irrigation per the approved landscape plans shall commence at time of completion of hardscape areas.

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

1. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade and adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, subject to approval by the Planning Director.
2. 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.
3. The applicant shall submit a letter(s) by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.
4. The applicant/developer shall stabilize all slopes per a City approved method.
5. All constructed water quality BMP's shall be inspected and approved by the Public Works Director, City Engineer, and Planning Director or a certification letter from proprietary storm water controls showing that the devices have been installed and activated in accordance with manufacturer requirements and design.
6. The City assigned BMP ID number of all water quality BMP's shall be shown on the installed BMP. Said ID number may be delineated with a stencil or sign to the satisfaction of the Public Works Director.
7. The applicant/developer shall provide evidence of existing coverage under the current State of California's statewide General NPDES Permit for Storm Water Discharges Associated With Construction Activities at all times.
8. Any change in occupancy in an existing building shall be approved by the City Building Official as required by the latest adopted California Building Code. A new Certificate of Occupancy will be issued after the City has inspected and approves the new use. Buildings or structures shall not be used or occupied until the appropriate City departments and agencies have accepted or approved the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the conditions of approval for the proposed development have been satisfied.
9. The alignment and terminal point of storm drains shown on the developer shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.

M. Drive-thru facility shall be used for a bank or financial institution only.

- N. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
- O. Use of the site shall be conducted so as not to become obnoxious by reason of noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
- P. 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.
- Q. This Conditional Use Permit shall expire on May 2, 2012 unless a building permit is obtained by this date and construction has begun in accordance with the submitted plans.
- R. 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 2<sup>nd</sup> day of May, 2011, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Steve Kildoo, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Planning Secretary  
SAN MARCOS CITY PLANNING COMMISSION