

RESOLUTION PC 11-4257

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS CITY APPROVING A MAJOR CONDITIONAL USE PERMIT FOR THE TEMPORARY ROCK CRUSHING OPERATION IN THE UNIVERSITY DISTRICT SPECIFIC PLAN WITHIN THE BARHAM DISCOVERY COMMUNITY PLAN

Case No. CUP 10-833  
Urban Villages San Marcos, LLC

WHEREAS, the City of San Marcos received an application from Urban Villages San Marcos, LLC requesting approval of a Conditional Use Permit to allow a temporary rock crushing operation and related grading in order to prepare the University District San Marcos Plan are for future development. The proposed project includes construction of an access road to Twin Oaks Valley Road, a new signalized intersection, a four-phase grading plan, blasting, rock processing and export of 1,069,200 cubic yards of material over a two-to-four year period. The temporary rock crushing operation and associated grading covers approximately 102.7 acres located with the University District Specific Plan, south of State Route 78, west of Twin Oaks Valley Road, and east of the H.G. Fenton property, more particularly described as:

PORTIONS OF LOTS 2 THROUGH 10 IN BLOCK 62, LOTS 1 THROUGH 7 AND PORTIONS OF LOTS 12 AND 13 AND LOTS 14 THROUGH 21 IN BLOCK 63, TOGETHER WITH THOSE PORTIONS OF THE UNNAMED STREET ADJOINING LOTS 2 THROUGH 10 IN BLOCK 62, AND THAT PORTION OF THE UNNAMED STREET (MYRTLE AVE.) ADJOINING LOT 7 IN BLOCK 63, ALL LYING WITHIN RANCHO LOS VELLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895.

Assessor's Parcel No.: 221-100-02 thru 04, 221-100-09 & 10, 221-100-14, 221-100-16, 221-100-21 & 22, 221-100-24 & 25, 221-100-29, 221-100-32 & 33, 221-100-35, 221-100-37 & 38, 221-100-40, 221-100-43 thru 48, 221-100-54 thru 66, 221-100-68 thru 73, 221-080-05 thru 08, 221-080-11, 221-080-15 thru 18, 221-080-20, 221-080-22, 221-080-25 & 26, 220-170-36, 220-170-40, 220-170-46, 220-181-35 & 36, 220-181-38 thru 40, 220-181-44, 220-181-45, 220-190-52.

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

WHEREAS, public workshops were held on September 13, 2010 and July 7, 2011; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 11-816) which will implement applicable mitigation measures from the University District San Marcos Specific Plan (UDSMSP) per the Final Environmental Impact Report (FEIR) (SCH No. 2008101083) and Mitigation Monitoring and Reporting Program (MMRP), as applicable for the portion of the Specific Plan that will undergo grading and rock crushing pursuant to CEQA; and

WHEREAS the required public hearing was continued on November 7<sup>th</sup>, 2011;

WHEREAS the required public hearing on December 5<sup>th</sup>, 2011 was duly noticed and held in the manner prescribed by law; and

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

1. The proposed Conditional Use Permit, together with the proposed staff conditions of approval, is consistent with the policies and intent of the University District Specific Plan and the Barham Discovery Community Plan in that the proposed temporary rock crushing operation would allow the installation of underground utilities, creation of road alignment per the Specific Plan and establish buildable pads for future development.
2. The proposed CUP, with the proposed staff conditions, will not be detrimental to the public health, safety or welfare, or the surrounding land uses in the area in that the proposed temporary rock crusher will be set back a sufficient distance so as not to create a negative noise impact and block the line of site between the crusher facilities and off-site adjacent properties.
3. The proposed project would not have the potential to degrade the quality of the environment, substantially reduce the habitat or fish or wildlife species, cause a fish or wildlife population to drop to below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal.
4. All sources identified in the FEIR (SCH No. 2008101083) for University District San Marcos Specific Plan (UDSMSP) are located outside the footprint of the disturbance of the proposed grading area for the project. Therefore, the proposed project will not eliminate important examples of the major periods of California history or prehistory and no impact is identified for this project area.
5. The air quality analysis concluded that construction-related emission would be below adopted Air Pollution Control District's thresholds. Additionally, standard measures related to dust suppression would be required as a condition of the project approval. No other impacts were identified that would cause substantial adverse effects on human beings, either directly or

indirectly. Therefore, impacts are considered less than significant with the proposed mitigation.

6. Improve the site relationship to existing Twin Oaks Valley Road and Discovery Street frontages. The previous grading concept created a pronounced elevation change upward from Twin Oaks Valley Road to the building pads proposed adjacent to Twin Oaks Valley Road, and then continued at 5% grade through the center of the proposed neighborhood as it progressed to the west. This approach included the use of ramps for access. While meeting the American with Disabilities Act (ADA) requirements, this approach was not consistent with the intent of the adopted USDMSP and did not address leveling of the grade through intersections to enable a more pedestrian-comfortable 2-3 percent slope at these critical points. Reducing the slope at the intersections allows for architectural design of future buildings to readily absorb this change in grade while providing for uses within and immediately outside, these buildings that relate to each other comfortably. The revised grading design shall create a gradual elevation change that provides a safer connection and a friendlier ADA pedestrian relationship between the existing streets and extends throughout the proposed neighborhood as it progresses west.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Mitigated Negative Declaration (MND 11-816) is hereby approved.
- C. The CUP is hereby recommended for approval subject to the following conditions stated below.
- D. Prior to export of processed rock material off-site, the applicant/developer shall obtain a San Marcos business license and establish a San Marcos address as well as:
  1. Establish a sales office on site at the San Marcos rock crushing address.
  2. Execute, submit and file all necessary documentation to the California State Board of Equalization.
  3. Take any and all other steps necessary to ensure that all sales tax from the sale of crushed rock and or material from the San Marcos rock crushing site is attributed to the City of San Marcos and not to any other jurisdiction.
  4. Submit a copy of any and all documentation associated with this effort to the Planning Division.

5. The applicant/developer must warrant and represent that there are no agreements, existing or otherwise, that relate to the direction or attribution of sales tax from the sale of crushed rock from the Property to any other jurisdiction.
- E. Prior to reliance on the CUP, the Applicant/Developer shall comply with the following conditions:
  1. The applicant/developer shall submit improvement plans for the ultimate signal (per the University District Specific Plan) on Twin Oaks Valley Road. The on-site construction access shall be located at this new intersection. Concurrently, the applicant/developer shall submit plans to eliminate the existing signal at Twin Oaks Valley Road/Carmel Street and extension of the Twin Oaks Valley road median. Said improvement plans shall be approved by the Engineering Division.

The Applicant/Developer shall submit plans and specifications for improvements of Twin Oaks Valley Road to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing Caltrans standards and acceptable to the City Engineer.

Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and City's "Urban Street Design Criteria" in effect at the time of project approval.
  2. A Transportation Management Plan (TMP) shall be prepared by the Applicant/Developer and approved by the City Engineer prior to the start of grading operations and include the following:
    - a. The truck haul route shall be restricted to Twin Oaks Valley Road, from the required new signalized intersection north to SR-78 and from SR-78 south on Twin Oaks Valley Road to the new signalized intersection, unless excess rock material is utilized from the Creek District, at which point a truck haul route shall be established and approved by the City Engineer.
    - b. All truck traffic shall be limited to one truck per cycle at the signalized intersection, unless modified by the City Engineer.
    - c. Priority access at signalized intersection shall be given to local resident drivers.

- d. The TMP shall include periodic monitoring of traffic conditions during export and import of rock material on Twin Oaks Valley Road throughout the project life to reduce truck traffic impacts on Twin Oaks Valley Road.
3. The Applicant/Developer shall post cash securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees to cover cost of any potential damage resulting from the rock crushing activities and the haul route.
4. The Applicant/Developer shall submit a cash deposit to the Planning Division, as determined by the Planning Director, to ensure the facilitation of an on-site operational noise tests to verify noise levels if determined necessary by the Planning Division Director. This study shall be done by the City's noise consultant working for the City and documentation of results shall be submitted to the Planning Division.
5. The applicant/developer shall submit any necessary permit applications to the San Diego Air Pollution Control District ("APCD") for compliance with proper equipment and operating regulations and procedures. Project-related rock crushing and power generation equipment may be subject to requirements for an air quality permit, specifically an Authority to Construct and Permit to Operate, with permit conditions to ensure compliance with air-related regulatory requirements. However, depending on the project characteristics and the length of time the equipment will be located on the project site, equipment with a Certificate of Registration pursuant to the California Air Resources Board Portable Equipment Registration Program or APCD Rule 12.1 (Portable Equipment Registration) may be used in lieu of permitting. All required permits shall be readily available at the construction trailer upon request by the agency inspectors.
6. The Applicant/Developer shall submit a copy of all APCD permits (and all related conditions) to the Planning Division.
7. The Applicant/Developer shall submit detailed plans describing activities for all phase(s). The Phasing Plan shall be reviewed and approved by the Planning Division Director. The plans shall address, in detail, the following items:
  - a. Prove that, all conditions of prior phase have been satisfactorily completed or addressed per phase.
  - b. The applicant shall implement the requirements of the current General

Construction Permit at all times to prevent discharge from the site for all phases of construction (i.e., demolition, grading, vertical construction, landscape/hardscape). Sediment and erosion controls shall be appropriately applied for the risk level assigned to the project.

- c. Submit a landscape plan to the Planning Division that addresses both short term and long term slope stability and dust control including all temporary and permanent buildable pads he final grading operations on the site limited to 102.7 acres. This plan shall also include all required BMP's and storm water design features.
- d. Stockpile native topsoil on-site and utilize as a sound attenuation berm around the rock crushing operation. The native top soil shall be irrigated, landscaped, and remain in place as a sound attenuation berm until a final slope and/or pad is completed on site per the approved grading plan. The native top soil shall be applied to the final slope areas per an approved landscape plan. Immediately upon removal of the native top soil, developer shall replace the sound attenuation berm with acceptable crushed material that will remain in place around the crushing operation until it ceases to operate. No excavation material shall be mixed with the native top soil. No native top soil shall be sold or removed from this site.
- e. Prior to Phase 1 grading permit issuance, the applicant shall provide a design showing the new traffic signal improvements on Twin Oaks Valley Road to accommodate a fully improved signalized intersection. Signals for east/west traffic shall also be fully designed, but covered for the non-used heads. The east/west entries shall be fully improved to the right-of-way. Improvements shall include, but are not limited to, utility relocation, restriping, pole and mast arms at the ultimate locations, detector loops, fiber optic tie-ins, CCTV cameras city signage, pedestrian accommodations, etc. All improvements shall be to the satisfaction of the City Engineer. Additionally, the installation for the traffic signal shall be completed and tested prior to grading permit issuance.
- f. The applicant shall be responsible to submit a design for the removal of the existing traffic signal at Twin Oaks Valley Road and Carmel Street. A median design shall show elimination of the southbound left turn and extension of the median. Signage and striping shall be provided per latest edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets. Prior to Phase 1 grading permit issuance, the removal of the traffic signals and median extension shall be completed. Traffic signals shall be delivered to the Public Works Department.

- g. The Applicant/Developer shall submit, prior to Phase 1 grading permit issuance, concept plans showing the impacts of the proposed site and the impacts of the future State Route 78 widening in the area southwest of State Route 78 and Twin Oaks Valley Road. Coordination with all interested agencies shall be obtained. Proposed grading per this development shall not impede future State Route 78 widening. Permanent grading shall coincide with the State Route 78 widening, to the satisfaction of the City Engineer.
- h. Should the applicant 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 Director of Planning. Other conditions may be imposed by the City Engineer and Planning Division Director to allow out-of-phase construction.
- i. The Applicant/Developer shall submit Water Quality Improvement Plans (WQIP) as part of the grading and improvement plans. The WQIP shall identify Water Quality Treatment, Hydromodification, Site Design, Source Control, LID, and Operation and Maintenance technical summaries to reflect the latest City of San Marcos Storm Water Standards Manual guidelines and California Regional Water Quality Control Board, San Diego Region, (Order No. R9-2007-0001, or latest adopted). Supporting calculations shall include water quality, Low Impact Development standards, and Hydromodification requirements as applicable. The WQIP shall address the Best Management Practices (BMP's) to be utilized for each phase of development. Said WQIP shall be prepared by a registered civil engineer with required supporting calculations preferably from the Storm Water Management Model (SWMM) (offered as free software from the United States Environmental Protection Agency) with input parameters approved by the City.
- j. The WQIP shall include an overview of project phasing that shows for each project phase, prior to activation of the area for use in accordance with Order R9 2007-0001, or current permit if applicable, that 100 percent of the impervious area for that phase will be treated and retained to meet water quality and hydromodification requirements.
- k. The SDRWQCB intends to issue draft Regional Municipal Permit language in late 2012 that may alter current SUSMP design and implementation criteria. The developer shall review this project for applicable phases that may become subject to any new and upcoming permit requirements and incorporate any changes into the WQIP,

supporting calculations and associated landscape, grading, and improvement plans.

1. Noise measurements shall be conducted once the rock crusher facility is fully operational and once material is being removed from the site to ensure compliance with the City's thresholds.
  - 1). The measurement will be conducted for each phase of the grading program.
  - 2). If noise levels are found to be above the established thresholds of 60 dBA at any existing single family residential use, 65 dBA for multifamily, or 70 dBA at a commercial use, then mitigation in the form of berms or temporary walls will need to be incorporated into the haul route to bring the noise levels to the established threshold.
- m. The new traffic signal at Twin Oaks Valley Road/Truck Access intersection shall meter the outbound trucks by allowing one truck to exit the site per cycle length to minimize potential queuing impacts of the trucks on northbound TOVR approaching SR-78, any alteration to the cycle of the number of trucks per cycle shall be at the discretion of the City Engineer.
- n. All improvements shown on the improvement plans, as approved by the City Engineer for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Development Improvement Agreement for this project.
- o. The Applicant/Developer shall implement the traffic control plan for all phases of construction, as approved by the City Engineer/Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
- p. The applicant shall post securities for the Twin Oaks Valley Road Phase 1 improvements to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, traffic signals and related appurtenances, storm drain facilities, water quality hydromodification BMP's, landscaping, if warranted, 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 acceptance 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.

- q. Applicant/Developer shall satisfy the following conditions for Phase 1:
  - 1). The Applicant/Developer shall provide a water quality concept plan, a hydromodification concept plan, and design for improvements to the existing storm conveyance system located at the southwest corner of Twin Oaks Valley Road and State Route 78, prior to phase 2 permit issuance, at their own risk, for the purpose of assuring regulatory compliance throughout all phases of the project. Access easements shall be provided as deemed necessary.
- r. Applicant/Developer shall satisfy the following conditions for Phase 2:
  - 1). Prior to Phase 3 grading permit issuance, the applicant shall provide a detailed design of the northeast area of the project, adjacent to the SR-78 and Twin Oaks Valley Road intersection. Said design shall depict onsite grading to remain outside of the existing and/or future freeway widening and off-ramp relocation (Caltrans right-of-way), as well as depict the modification/impact to the existing storm conveyance system.
  - 2). The Applicant/Developer, prior to Phase 3 permit issuance, shall provide a design to reflect the latest City of San Marcos Storm Water Standards Manual guidelines and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-0001 for the modification/construction of the existing storm conveyance system located at the southwest corner of Twin Oaks Valley Road and State Route 78, and provide access easements if deemed necessary, all as approved by the City Engineer.
- s. Applicant/Developer shall satisfy the following conditions for Phase 3:
  - 1). Discovery Street, grading, shall be designed to prime arterial street standards per the City's "Urban Street Design Criteria" and the improvement plans prepared by REC Consultants Inc. Adequate offsite transitions shall be included.
  - 2). Discovery Street, as part of Phase 3 shall be graded to half width prime arterial street standards, plus a minimum twelve (12) foot paved lane width with a minimum eight (8) foot graded D.G. shoulder on the other side of the roadway, with adequate offsite transition, as approved by the City Engineer.

3). Discovery Street, as part of Phase 3 grading, shall be graded and the road bed must be left in a stable condition including all permanent BMPs, all as approved by the City Engineer.

t. Applicant/Developer shall satisfy the following conditions for Phase 4:

1). Discovery Street, grading, shall be designed to prime arterial street standards per the City's "Urban Street Design Criteria" and the improvement plans prepared by REC Consultants Inc. Adequate off-site transitions shall be included.

2). Discovery Street, as part of Phase 4, shall be graded to half width prime arterial street standards, plus a minimum twelve (12) foot paved lane width with a minimum eight (8) foot graded D.G. shoulder on the other side of the roadway, with adequate offsite transition, as approved by the City Engineer.

3). Discovery Street, as part of Phase 4 grading, shall be graded and the road bed must be left in a stable condition including all permanent BMPs, all as approved by the City Engineer.

4). The Applicant/Developer shall post sufficient cash securities to cover the crushing operations, completion of the creation of buildable pads and permanent slopes. Both of which shall be irrigated and landscaped per an approved landscape plan.

5). A detailed grading plan shall be submitted to the City for review and approval. Said plan shall be prepared at a scale of 1" = 40'. The grading plan and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations shall be submitted in the form of a report. All grading shall be supervised by an Engineering Geologist 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, 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.

6). The Applicant/Developer and the City shall enter an agreement allowing City staff to enter the property without notice to the applicant/developer.

- 7). The applicant/developer shall be responsible to comply with the mitigation monitoring and reporting program.
- F. Applicant/Developer shall submit a landscape plan and the following conditions shall apply:
  1. All slopes that are visible from public view shall be irrigated and planted to the satisfaction of the Planning Division Director. Methods of installation shall be included in the approved landscape plans.
  2. The landscape plans shall address the planting and irrigating of the slope along State Route 78, Twin Oaks Valley Road, Discovery Street and San Marcos Creek. Said plan shall include a landscape & irrigation subject to final approval by the Planning Director. Any impacts to Caltrans right-of-way slopes shall be reviewed and approved by Caltrans prior to any work affecting their right of way.
  3. Permanent landscaping shall be irrigated and planted on the completed temporary/permanent perimeter slopes areas along State Route 78, Twin Oaks Valley Road, Discovery Street and San Marcos Creek. The irrigation meters and irrigation lines shall be approved and installed independently on private and public (i.e. CFD) properties. All temporary slopes shall be irrigated and hydro seeded to the satisfaction of the Planning Director.
  4. The Applicant/Developer shall submit a landscape plan that addresses planting of all cut slopes and flat areas not used for access. Said plan shall also address planting along the street frontages which shall require irrigation and planting as approved by the Planning Director.
  5. All stockpile material shall either be used to re-contour vertical cuts to a 2:1 ratio or left in their location at a 2:1 slope ratio and planted as required per the approved landscape plan.
  6. The Planning Division shall annually inspect the site to verify that the landscape is thriving in a healthy condition and that the site is safe and secured. If the Planning Division determines there are deficiencies or violations, then an owner of the property will be given a notice to correct the situation.
  7. This project is subject to the payment of a landscape permit fee and an inspection fee. The landscape permit fee shall be two percent (2%) of the Landscape Architects estimate for the completion of all landscaping shown on approved mylars. The landscape inspection fee shall be two and one-half percent (2.5%) of the Landscape Architect's estimate. All submitted estimates shall be stamped and signed by the Landscape Architect
  8. The applicant/developer shall be responsible to comply with the mitigation

monitoring and reporting program.

G. Prior to any demolition, the following conditions shall apply:

1. Applicant/Developer can only proceed with demolition on those properties owned by the applicant/developer or those properties where there is an agreement to allow demolition
2. The Applicant/Developer shall obtain the required OSHA permits for demolition in accordance with the California Code of Regulations, Title 8, Section 1503.
3. Proof of coverage under the General Construction Permit shall be provided to the City, to consist of, at a minimum, a copy of the WDID# and SWPPP addressing demolition and clearing.
4. The applicant/developer shall be responsible to comply with the mitigation monitoring and reporting program.

H. Prior to clearing the site, the following conditions shall apply:

1. Applicant/Developer shall install a new traffic signal at the ultimate Twin Oaks Valley Road intersection (as per the University District Specific Plan). The new signal shall be timed to meter the outbound trucks by limiting one truck per cycle to minimize potential queuing impacts of trucks on Twin Oaks Valley Road, and may be modified at the discretion of the City Engineer.
2. Applicant/developer can only proceed with clearing and subsequent grading on those properties owned by the developer/applicant or those properties where there is an agreement to allow clear.
3. "As-Built" reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.
4. The applicant/developer shall be responsible to comply with the mitigation monitoring and reporting program.

I. During clearing of the site, the following conditions shall apply:

1. The applicant/developer shall be responsible to comply with the mitigation monitoring and reporting program.

- J. Prior to issuance of a blasting permit, the following conditions shall apply:
  1. Applicant/Developer can only proceed with blasting on those Properties owned by the developer/applicant or those properties where there is an agreement to allow blast.
  2. Applicant/Developer shall comply with the San Marcos Blasting Ordinance.
- K. Prior to clearing or issuance of grading permit, the following conditions shall apply:
  1. The applicant/developer shall submit the appropriate Storm Water Pollution Prevention Plan (SWPPP) for either the current General Construction Permit and/or the current General Industrial Permit(GIP) to the City covering all applicable aspects the rock crushing operation for this project. The GIP is currently being revised and the project will adhere to new requirements if applicable.
  2. Prior to grading, identify depths of remedial grading, rock under cuts, capped areas and provide a final report showing depths of remedial grading and capped areas.
  3. Applicant/Developer can only proceed with grading on those properties owned by the developer/applicant or those properties where there is an agreement to allow grade.
  4. The Applicant/Developer of the property shall bear the expense of all on-site grading and offsite grading if permission is granted by adjacent property owner(s) and (reconstruction of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation), and drainage facilities, as required by the City Engineer.
  5. Encroachment permits shall be obtained for any private improvements within the public right of way and public easements.
  6. Twin Oaks Valley Road shall be dedicated by the applicant along the subdivision frontage based on a centerline to right-of-way width of no less than sixty-three feet (63'), in order to install the new ultimate Twin Oaks Valley Road/Truck Access intersection signal improvements. Additional dedication may be required for compliance with the Transportation/Traffic Study, by HDR, done as part of the Final Environmental Impact Report, to accommodate four (4) existing southbound travel lanes.
  7. The Applicant/Developer shall include in the traffic control plan all appropriate traffic control measures to insure the general public does not access the rock crushing site. Appropriate signage shall be strategically placed on site at visible locations for the general public. Said restriction shall apply to the existing residents

in the general vicinity southwest of Twin Oaks Valley Road and State Route 78. The applicant shall provide residents utilizing Twin Oaks Valley Road as their primary ingress/egress with continued access.

8. The Applicant/Developer shall prepare a traffic signal easement and/or dedication for traffic improvements located outside the public right-of-way, such as, but not limited to, detector loops.
9. The applicant/developer shall provide an interim ADA pedestrian path along the frontage Twin Oaks Valley Road and Discovery Street to the satisfaction of the Building Division Director during the life of the CUP.
10. The exact alignment, width and design of all median islands, turning lanes, travel lanes, driveways, striping, and all other traffic control devices and measures, including turnouts, bike lanes, and width transitions, shall be approved by the City Engineer.
11. For new traffic signals or signal modification(s), an in-lieu fee will be required for development of a traffic signal timing plan. Said fee shall be to the satisfaction of the City Engineer.
12. Per the Traffic Analysis prepared by RBF Consulting on April 14, 2011, the new traffic signal on Twin Oaks Valley Road shall be timed to regulate truck trips. One truck shall exit the site per signal cycle unless modified at the discretion of the City Engineer based on traffic flow conditions.
13. The Applicant/developer shall be responsible for preparing an existing road condition on that portion of Twin Oaks Valley Road between the project site truck access and State Route 78. Said analysis shall identify the existing conditions and the expected heavy truck impacts on Twin Oaks Valley Road. Based on the extent of compromised life of Twin Oaks Valley Road, the applicant shall submit a in-lieu fee in the amount that will repair/replace Twin Oaks Valley Road to its existing state, or better. Prior to operations, the Applicant /Developer shall take sufficient photography and provide disc of required photos to the City, to the satisfaction of public works, to record the current condition of haul route.
14. The design of all project private/public streets/driveways, drainage systems, water quality systems, and hydromodification systems shall be approved by the City Engineer. The structural section of all public and/or private streets/driveways shall conform to City of San Marcos Standards based on R-value tests. All public/private streets/driveways and said drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City for this project.

15. The exact depth of street/driveway structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria". All existing streets shall be "core tested" to determine the existing structural section and the extent of overlay or reconstruction necessary to achieve the required structural section described above. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
16. Improvement plans shall show all existing and proposed drainage facilities including surface and subsurface construction. All drainage channels shall be lined with a suitable material as approved by the City Engineer. All required drainage easements shall be monumented along the boundaries as approved by the City Engineer. Access easements shall be provided where necessary and shall be improved, fenced and aligned to the satisfaction of the City Engineer and/or the Director of Public Works.
17. The Applicant/Developer shall coordinate with all utility companies to ensure there are no above ground utility facilities. With the approval of the Planning Director, above ground facilities may be used until ultimate street improvements are installed with future development if they are adequately screened. Said utility facilities shall be depicted on the grading, improvement, and landscape plans. Any variances from this requirement shall be approved by the Planning Director and City Engineer.
18. The Applicant/Developer shall enter into a Development Improvement Agreement with the City to establish time-frames for completion of the Twin Oaks Valley Road traffic signal and related improvements, the Twin Oaks Valley Road and East Carmel Street traffic signal removal, restriping and signage, as well as all required off-site transitions, immediately upon issuance of a grading permit.
19. An LED lighting system shall be shown on the public street improvement plans and shall be installed, if deemed necessary as a result of the traffic signal removals at East Carmel Street. Locations shall be specified by the City Engineer at no cost to the public.
20. The applicant/developer shall perform the following with respect to the City of San Marcos Community Facilities District (CFD):
  - a. Applicant/Developer shall submit separate executed versions of petitions to annex and establish with respect to the property, the special taxes levied by the following Community Facilities District (CFD):
    1. CFD 98-02, Lighting, Landscaping, Open Space and Preserve Maintenance.
  - b. Applicant/Developer shall agree to petition to annex and establish, with respect to the property, the special taxes levied by the successor of CFD

98-02. After completion of annexation into CFD 98-02's successor, the property shall be de-annexed from CFD 98-02. In the event that the successor to CFD 98-02 is not formed prior to occupancy, the property shall remain annexed in CFD 98-02 and have no further requirement to annex into CFD 98-02's successor. Applicant/Developer shall provide an Irrevocable Offer of Annexation (IOA) or provide for a voter designee as a part of the agreement to annex into CFD 98-02's successor .

- c. In-Lieu of annexation the Applicant/Developer may choose to pre-pay for estimated contributions to the aforementioned Community Facility District. Any In-Lieu fees shall be in an amount to cover estimated contributions for the duration of the activities covered by this permit. Any renewal of this permit shall result in additional In-Lieu fees commensurate with the duration of the extension.

No grading permit shall be issued without receipt of a petition for annexation and consent and waiver executed by the property owner(s) for the above-referenced Community Facilities District for the establishment of the special taxes. The applicant/developer shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities District including, without limitation, requirements for notice and disclosure to future owners and/or residents

- 21. 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.
- 22. Maintenance of private open space areas and slopes shall be the responsibility of the applicant.
- 23. The Applicant/Developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
- 24. 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.
- 25. Prior to release of any securities, a digital disk of all as-built drawings and reports is required on a CD. Said files shall be in an AutoCAD format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. PDF versions of all approved drawings and recorded documents shall also be provided. In addition, electronic files of the project reports (i.e. soils report, water quality/hydromodification reports and model design, drainage study, SWPPPs,

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.

26. 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 SDRWQCB Municipal Stormwater Permit requirements and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions. The erosion control plans shall meet the requirements of the current SWRCB general construction permit for the risk level determined for the project and it shall be prepared by a certified QSD as of September 2, 2011.
27. A geologic and soils study shall be conducted for the proposed project. Said study shall give recommendations for cut and fill slopes, compaction and suitability for step foundations on individual lots, as well as percolation rates as deemed necessary for water quality and hydromodification purposes. Said study shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering and Building Divisions. Recommendations of the Civil and/or Geotechnical Engineer, City Engineer and Building Official shall be implemented at the time of development of any lot.
28. 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.
29. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the University District Specific Plan and the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.
30. 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.
31. The Applicant/Developer shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining/crib walls on an approved grading plan. Street and drainage structure alignments, and retaining/crib walls shall be designed to the satisfaction of the City Engineer.

32. An updated 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, and based on the latest Hydrology Manual and Drainage Design Manual at the time of report preparation. 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.
33. 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, 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.
34. Water and sewer facilities not within the public right-of-way will require a minimum 20 foot easement granted to the District. The owner shall be responsible for obtaining those easements and expenses incurred.
35. The project is near the existing 100-year floodplain of San Marcos Creek. Any development in the 100-year floodplain shall comply with all terms of the City's Flood Damage Prevention Overlay Zone and all FEMA (Federal Emergency Management Agency) regulations and requirements.
36. 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 to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
37. 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.
38. Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lots.

39. The WQIP shall identify affected receiving water bodies and applicable pollutants of concern and summarize estimated post-construction discharge rates (with all BMPs in place) and demonstrate that the project pollutant loads will be treated and runoff retained in accordance with Order R9 2007-001, or current permit if applicable, and will not cause a violation of the water quality objectives or cause hydromodification. The structural treatment controls shall remove project priority pollutants anticipated to be generated by the project and downstream impaired water bodies listed by the current approved SWRCB 303(d) or applicable watershed TMDLs to a medium removal efficiency or better.
40. The Landscape Plans, identifying permanent landscaped areas, shall have a separate irrigation meter and shall be in compliance with Order R9 2007-0001 and current SUSMP requirements. The Landscape Plans shall implement and maximize Low Impact Development (LID) areas according to the University District Specific Plan and EIR. BMPs identified on the Water Quality Improvement Plan shall be coordinated with the Landscape Plans. The Landscape Plans shall identify all elements that implement the current SUSMP requirements and the City's Storm Water Standards Manual. Final approved BMP's shall be attached to the approved landscape plans. The landscape designer shall be responsible to verify the approved landscape plans are consistent with the approved WQIP sheets. The developer shall hire a California licensed landscape architect, who shall be responsible for preparing the plans to be submitted to the City for review and approval. The approved Landscape plans must comply with and implement the adopted Water Efficiency Landscape Ordinance.
41. The WQIP shall be prepared in conjunction with the grading plans and included as part of the grading plans. Prior to final approval of the grading plans, the grading plans shall be reviewed by the City for substantial conformance with the approved WQIP. Developer shall provide geotechnical permeability confirmation required by the City's current SUSMP for either use of all infiltration BMPs or for not using infiltration BMPs.
42. The project landscape architect shall sign the plans certifying the WQIP BMPs have been incorporated into the landscape plans and all Order R9- 20007-0001 SUSMP required elements applicable to landscape plans have been designed in accordance with the current SUSMP requirements.
43. All permanent BMP's per the approved WQIP in the grading plan shall be coordinated with and shown on the landscape plans. The landscape plans shall be reviewed and signed by the engineer of work stating the proposed landscape design complies with the requirements of the Water Quality Improvement Plans and/or current SUSMP/Storm Water Standards Manual.
44. Prior to final approval of the landscape plans, the plans shall be reviewed by the City for substantial conformance with the approved WQIP.

45. The Applicant/Developer shall provide documentation to indicate that all streets, drainage, water quality/hydropmodification facilities, street lights, street signage and striping improvements within the interior of this development designated as private shall remain private and be maintained by the property owner or such other provision for maintenance which may subsequently be approved by City.
46. All 100% of on-site drainage shall be treated on site in accordance with San Diego Regional Water Quality Control Board (SDRWQCB) Order R9 2007-0001 requirements and the City's current SUSMP and hydro modification requirements applicable to the project. The drainage shall be treated onsite prior to entering public right-of-way.
47. A Water Quality Maintenance Agreement and Operation and Maintenance Plan, per the current SUSMP, along with the BMP sheet from the grading plans, shall be recorded with the County Recorder and proof of the recordation shall be provided to the City. The agreement shall include summaries of water quality/hydropmodification facilities and operations & maintenance. Said Agreement shall also address maintenance of the BMP's if project delays or abandonment occurs.
48. All post construction BMPs shall be shown in detail on the construction plans and submitted to the City for review and approval.
49. The Applicant/Developer 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.
50. The Applicant/Developer shall submit for City review and approval the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest CASQA template, to manage storm water and non-storm water discharges from the site at all times. 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 be prepared by a certified QSD, per the current SWRCB General Construction Permit.
51. The Applicant/Developer shall submit proof of coverage under the State Water Resources Control Board General Construction Permit. The Waste Discharge ID number (WDID #) shall be identified on the Title sheet to the Project plans, the grading plans, and the erosion control plans. Coverage under the SWRCB General Construction Permit shall be maintained until the developer has submitted the Notice of Termination (NOT) to the San Diego Regional Water Quality Control Board and received approval of the NOT from the SDRWQCB. The developer shall notify the City Stormwater Program Manager 45 days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the

approved WQTR shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City.

52. Water wells shall be abated or reconstructed in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by San Diego County Environmental Health Department.
53. Each permanent 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.A unique BMP ID number shall be assigned by the City and shall be shown on the BMP sheet.
54. All permanent BMP's per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer of work stating the proposed landscape design complies with the requirements of the Water Quality Technical Report and/or Storm Water Standards Manual.
55. The Applicant/Developer shall provide proof of coverage to the City of all facility activities at completion of the project under either a separate individual permit from the SDRWQCB, and/or coverage under the State Water Resources Control Board General Industrial Permit. Proof of coverage under the SDRWQCB separate permit or the SWRCB General Industrial Permit and all applicable documents required for obtaining the permit shall be provided to the City for review. A copy of the permit shall be kept onsite at all times, including records of all laboratory analyses, and updates.
56. The grading plans shall establish pre-grades for the crusher location to a minimum of 10 feet below the finished grade surrounding the rock crushing pad prior to placing any crushing equipment on site. The rock crushing pad shall be a minimum of 10 feet below the lowest final elevation outside the perimeter of the rock crushing area.

57. The project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation.
58. The Applicant/Developer shall submit a certificate of insurance and endorsements thereon satisfactory to the City Attorney reflecting \$4,000,000 in Commercial General Liability insurance coverage, with products/completed operations coverage, such insurance to be primary and without contribution from City's insurance, and shall include a waiver of subrogation rights as against additional insured's, naming the City of San Marcos and the San Marcos Fire District as additional insured's for both personal injury and property damage as a result of the operation and transport of material to and from the site, and/or any activities of permittee, its employees, contractors and agents related to the reclamation process. Cross-liability exclusions shall be prohibited and such policy and endorsements may not contain any provision which prohibits named additional insured's from paying a self-insured retention or deductible in the event of the insured's failure to do so. The liability insurance amount shall be reviewed yearly based for changes in inflation rates and/or reassessment of insurance requirements by the City Engineer and City Attorney and upgraded if deemed necessary.
59. Grading plan shall show all drainage facilities including surface and subsurface construction. All drainage channels shall be lined with a suitable material as approved by the City Engineer.
60. The Applicant/Developer shall agree to pay for an extension of staff for on-site inspections during the life of the CUP, at the City's discretion, if violations occur.
61. Applicant/Developer shall post a sign at visible locations along Twin Oaks valley Road and Discovery Street for the public to call if there is a complaint or issue related to the project site.
62. All debris shall be disposed of off-site, in accordance with current local, state, and federal disposal regulations. When debris is removed, care shall be taken to look for potential hidden hazardous materials within the piles. Should hazardous materials be identified, disposal shall be in accordance with all federal and state regulations.
63. Site-specific soil testing for materials related to past pesticide use shall be conducted in areas where historical agricultural operations were conducted. Should soil testing indicate levels of contamination that exceed federal requirements, soil removal shall be conducted in accordance with all Federal and State requirements prior to project grading.

64. The Applicant/Developer shall submit a copy of the APCD "Authority to Construct." The permittee shall submit a copy of the APCD "Permit to Operate." All APCD "Authority to Construct" and "Permit to Operate" conditions of approval are hereby incorporated by reference and shall be on file with the conditions of approval.
65. The Applicant/Developer shall construct desiltation/detention basins, sediment and erosion control devices of a type and size and at locations as approved by the City Engineer, and in conformance with the SWRCB GCP design requirements. Devices shall be installed and maintained in working condition at all times. Devices shall be maintained in accordance to current CASQA maintenance requirements and after every significant rainfall event. Significant rainfall events shall be as defined in the current SWRCB General Construction Permit. Maintenance of all devices shall occur year around. Each desiltation/detention basin or device shall be provided with an all weather access/maintenance road. A maintenance schedule and inspection report for all devices shall be included in the SWPPP and available for City review upon request.
66. The applicant/developer shall be responsible to comply with the mitigation monitoring and reporting program.

L. During grading/crushing operations, the following conditions shall apply:

1. All contractors shall adhere to the San Diego Air Pollution Control District rules and regulations.
2. The application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust.
3. Fugitive dust shall be controlled as required by the latest adopted Air Pollution Control District fugitive dust restrictions.
4. The project engineer shall submit a dust report that identifies mitigation measure to prevent dust generated by rock crushing, grading and blasting from affecting adjacent properties. The report shall include the supervision of operations when wind speeds will carry dust to the highway and surrounding properties.
5. The Applicant/Developer shall comply with all requirements from the San Marcos Fire District and the City of San Marcos Building Division.

6. Weed, natural brush and other combustible vegetation shall be kept in an abated state at all times on site and adjacent to existing residential neighborhoods.
7. The permittee shall maintain public and private driveway access at all times.
8. The Applicant/Developer shall submit and obtain approval from the Building Official for dust mitigation measures. The Developer shall submit a dust mitigation program to the Building Official for approval. Access road shall be watered as often as required to keep the access road from drying and generating dust during the grading process.
9. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
10. Disposal or temporary placement of excess fill, brush, or other debris will not be allowed in waters of the U.S. or their banks.
11. All conveyor belt transfer points shall be lined with rubber matting to reduce sound of rock being transferred.
12. Blasting operations shall be buffered 400 feet from sensitive receptors. Should site conditions require blasting within 400 feet of sensitive receptors, a site-specific vibration analysis shall be performed prior to the blasting activities to evaluate impacts and identified mitigation measures to reduce impacts to levels consistent with the ISO Human Vibration Standards.
13. The applicant/developer shall be responsible to comply with the mitigation monitoring and reporting program.

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

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. All improvements shown on the improvement plans, as approved by the City Engineer for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Development Improvement Agreement for this project.
3. The Applicant/Developer shall ensure that the grading, desiltation facilities, and other construction activities meet the provisions specified in the California RWQCB,

San Diego Region, Order R9-2007-0001, or current SUSMP and SWRCB GCP Risk level Status.

4. Stabilization of roads (and paved where deemed necessary) shall be completed as early as possible to mitigate short-term dust problems associated with construction.
5. During grading, the application of water or other means of dust control shall be performed to the satisfaction of the City Engineer/Public Works Director.
6. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 4:00 PM on Monday through Friday. No work shall be conducted on weekends or holidays observed by the City of San Marcos. Failure to comply with result in the issuance of citations. Citations required a mandatory court appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place too insure that hours of work violations will not occur.
7. 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.
8. Hauling of earth over residential streets of developed areas shall be prohibited.
9. The Applicant/Developer shall construct desiltation/detention basins and erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (October 1 through May 1). Each such basin shall be provided with an all-weather access/maintenance road.
10. Dewatering activities during construction shall not be conducted without appropriate permits and approvals from all regulatory agencies involved (SDRWQCB, SWRCB, ACOE, and other Resource agencies). The City Stromwater Program Manager shall be notified one week in advance of any dewatering activities and a copy of all permits shall be submitted to the City. Dewatering activities will be conducted and planned for in compliance with the SDRWQCB, SWRCB, and project specific dewatering permit requirements obtained. Should the quality of the ground water be such that it does not meet the permitting requirements, then the water will need to be treated prior to discharge.

11. 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.
12. The Applicant/Developer shall provide the appropriate traffic control measures, as approved, to insure the general public does not access the rock crushing site.
13. "As-Built" reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.
14. 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.
15. All water quality and hydromodification BMP's shall be inspected and approved by the Public Works Director, City Engineer, and Planning Director.
16. The City assigned BMP ID number for all permanent 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.
17. The Applicant/Developer shall provide a buffer zone for natural water bodies (as shown on approved plans). The buffer zone (as approved) shall be inspected and approved for compliance by the City.
18. The Applicant/Developer shall provide evidence of coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities at all times.
19. The Applicant/Developer shall stabilize all slopes per a City approved method.
20. The Applicant/Developer shall provide evidence of existing coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities at all times.

N. Prior to export of any material from this site, the following conditions shall be complied with:

1. The Applicant/Developer shall implement and maintain the storm water pollution prevention measures as required on the approved grading plans, SWRCB GCP SWPPP and SWRCB GIP SWPPP. Violations of the City's

Storm Water ordinance (SMMC 14.15) will result in Stop Work Orders, Notices of Violation and citations. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

2. Evaluate with the City on use and excess rock material for use in the Creek District and identify haul routes to Creek District staging areas.
3. During the export of material, all sales and quantities from the exported material shall be reported and submitted to the City on a monthly basis.
4. Prior to export of material for sale from this site, the following conditions shall be complied with:
  - a. The developer shall obtain the required OSHA permits for rock drilling in accordance with the California Code of Regulations, Title 8, Section 1503.
  - b. Prior to the start of exportation of materials off site that is produced by industrial activities (i.e., a rock crusher or other Industrial activity defined by the current SWRCB General Industrial Permit (GIP) as defined by 40 CFR 122.26(b)(14)(iii ) or SIC code 14 – non-mineral mining) to be suitable for commercial sale or use, the applicant shall provide proof of coverage under the SWRCB Current GIP.
  - c. A copy of the SWRCB GIP WDID number issued for the activities shall be submitted to the City and a copy of the General Industrial SWPPP for the site shall be provided to the City prior to the export of any materials. The applicant shall maintain coverage under the General Construction Permit and provide proof of continued coverage for project construction activities, as defined by 40 CFR 122.26(b)(14)(x) and/or 122.26(b)(15)(i), at the time the General Industrial Permit WDID number is provided to the City.
- O. During the operation of the rock crusher, the following conditions shall be complied with:
  1. The rock crusher shall be shielded during all rock crushing operations. Placement of the rock crusher shall be located at the location identified on the site plan and as required by the acoustical analysis.
  2. Sound berms shall be built around the remainder areas that are exposed to the height of the tallest conveyor in the crushing area.

3. The developer shall use the non metal deck screens and cover all rock impact areas with a rubberized material that does not allow the rock material to resonate at the impact area.
4. All hydraulic breaking of oversized materials requiring to be sized for processing through the crushing equipment shall be processed within a bermed area.
5. An operational noise test shall be performed with the results submitted to the Planning Division to verify noise levels.
6. The noise levels at the nearest property line shall not exceed 65 dBA Leq, measuring noise generated by the rock crusher.
7. The rock crusher shall have an automatic operating water spray system to maintain adequate moisture on both the raw material feed and finished material discharge.
8. During the operation of the rock crusher, the applicant/developer shall not create dust clouds that are visible beyond the property line and that a sign be posted that contains both the name and phone number of the contractor/builder representative for dust control, as well as for the San Diego County APCD to send an inspector in case of violations of the opacity regulation.
9. Upon field verification, additional screening may be deemed necessary by the Planning Director.
10. The applicant shall comply with all screening measures identified in the acoustical report.
11. The berm that is recommended by the acoustical engineer shall remain in place for the entire time frame that the rock crusher and material separator is in operation to attenuate the noise. At the appropriate time, this berm will be removed concurrently with the rock crusher and the material separator.
12. The applicant shall be responsible for conducting the use in a manner as not to become obnoxious by reason of noise, refuse matter, odor, dust, smoke, maintenance of grounds and buildings, or to have a detrimental effect on the surrounding properties and improvements.
13. No rock material shall be imported from outside the "Project Area" to be processed by the rock crusher.
14. If exterior slopes are completed and the rock crusher is still operating, the applicant shall be required to irrigate and plant the southerly and easterly slopes to additionally screen the rock crushing operation.

15. The applicant shall comply with all requirements of the San Marcos Fire Department including the following:
  - a. A minimum of 24-foot wide all-weather roadway must be provided for emergency access to the rock processing equipment.
  - b. Adequate fire truck turn-around area must be provided, to the satisfaction of the San Marcos Fire Department.
  - c. A permit shall be obtained from the San Marcos Fire Department for the storage of any flammable liquid material.
- P. The applicant shall obtain any required OSHA permits in accordance with the California Code of Regulations, Title 8, Section 1503.
- Q. The contractor, permittee, or project owner shall be responsible for continual maintenance of erosion control devices as shown on the erosion control plan or per City standards. The City may revoke the grading permit for noncompliance with the City's Storm Water Management Program. The permits shall not be renewed until the erosion control system complies with City standards.
- R. 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.
- S. The applicant may enter into a reimbursement agreement with the City of San Marcos for fair share contributions to all of the benefiting properties for ultimate public improvements constructed for the extension of Discovery Street and all the traffic signal improvements beyond those required as standard development conditions, to the satisfaction of the City Engineer.
- T. The applicant shall comply with all City ordinances and regulations applicable to the rock crushing operations authorized by the CUP, except that the conditions of this CUP shall apply if they are deemed more restrictive than those contained in the City ordinances and regulations.
- U. This Conditional Use Permit shall be valid for three years and may be administratively extended an additional two - one year terms (not to exceed a total of 5 years) if there are no pending violations associated with this operation.
- V. A final report shall be submitted to the wildlife agencies within 60 days of project completion including as built construction drawing(s) with an overlay of habitat that was impacted or avoided, photographs of habitat areas that were to be avoided and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all biological resources mitigation measures related to project construction were achieved.

- W. Prior to export of any material from the site, the developer shall be responsible to ensure that all hauling contractors have read and understand the restriction for the truck route, truck speed, any other restriction place on this site under this CUP.
- X. The developer shall be required to provide a quarterly update of grading activities, quantities of cut, fill, and export of material based on tonnage. There shall be a booklet on site at all times and readily available for the City inspector upon request.
- Y. The permitted uses shall be conducted in such a manner as not to become detrimental; for reasons of noise, traffic, odor, or dust; to the health, safety, and general welfare of the persons residing or working in the vicinity.
- Z. Prior to release of any bond, if it is determined that damage occurred to the public streets associated with the operations on the project site, the developer shall pay for and restore damage to Twin Oaks Valley Road, Discovery Street and street intersections damaged by the rock crushing and export of material from the site.
- AA. This Conditional Use Permit shall become null and void if not acted upon within twelve (12) months of the adoption of this resolution.
- BB. All demolition, clearing and grading and rock crushing 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 4:00 PM on Monday through Friday. No work described above shall be conducted on Saturdays, Sundays or holidays observed by the City of San Marcos. Failure to comply will result in the issuance of citations. Hours of operation shall be strictly enforced by the City. Citations require a mandatory court appearance in North County Superior Court and courts costs up to **\$1,000** per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.

Any and all clearing, demolition, excavation, rock crushing, blasting, and warm-up of equipment on site shall be limited to the hours of 7:00 a.m. to 4:30 p.m. (PST), Monday through Friday. No clearing, demolition, excavation, rock crushing, blasting and warm-up of equipment on site shall be allowed on Saturdays, Sundays and holidays, unless approved by City Manager. Hours of operation shall be strictly enforced and subject to fines.
- CC. All maintenance and repair shall be limited to the hours of 7:00 a.m. to 9:30 p.m. Monday through Friday. Any complaints regarding excessive noise coming from the site associated with maintenance and repair shall be reviewed and investigated

by the City. If it is determined necessary, the Planning Director shall have the authority to reduce or eliminate the hours of maintenance and repair.

- DD. No truck traffic activity shall be allowed on or from this site between the hours of 9:45 p.m. until 7:00 a.m. seven days a week unless warranted under condition D. 10. below.
- EE. If the conditions of a public agency contract, because of safety or public convenience, require transport of crushed material at night, then the Planning Division Director may grant a permit for such operations/hours as deemed appropriate. The permittee shall submit a written request at least 96 hours (four days) in advance of such night operations. The written request shall specify the hours of operation, length of time (days, week) the operations will take place and a copy of the public agency contract. The City may place additional conditions on such operation beyond those contained within this resolution.
- FF. The applicant/developer shall ensure that the grading and other construction activities meet the provisions specified in the California RWQCB, San Diego Region, OrderR9 2007-0001, NPDES. San Diego Municipal Stormwater Permit. Order R9 2007-0001 is in the process of being renewed by 2012. The project shall adhere to new requirements if applicable.
- GG. The applicant shall implement the requirements of the current General Construction Permit at all times to prevent discharge from the site for all phases of construction (i.e., demolition, grading, vertical construction, landscape/hardscape). Sediment and erosion controls shall be appropriately applied for the risk level assigned to the project.
- HH. Automatic water mist or sprinkler system shall be installed in areas of rock crushing activities. Water shall be sprayed on rock materials undergoing rock crushing process and stockpiles at sufficient frequencies. Adjustments to the spraying may be deemed necessary by the Public Works Inspector.
- II. Applicant/Developer must comply with all conditions of approval for dust control required by the APCD permit.
- JJ. Per Building Code Section 104.2.4, the City may order work stopped by written notice when the project violates the Grading Ordinance, Storm Water Management Program, or conditions contained within this Resolution, PC 11-4257. No work shall be allowed on the project until the City authorizes the work to proceed.

- KK. The applicant shall comply with all relevant sections of the San Marcos Municipal Code.
- LL. The Developer shall be responsible to conduct vector control on any standing body of water.
- MM. 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.
- NN. The applicant shall disclose to prospective purchasers the fact that any development/production of new parcels onsite will require annexation into the various San Marcos' Community Facility Districts.
- OO. To the extent permitted by law, applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Conditional Use Permit; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project.  
Applicant/developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Conditional Use Permit, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 5th day of December, 2011, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

---

Steve Kildoo, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

---

Lisa Kiss, Secretary  
SAN MARCOS CITY PLANNING COMMISSION