

RESOLUTION PC 13-4351

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A CONDITIONAL USE PERMIT MODIFICATION TO ALLOW THE CONSTRUCTION OF A PUBLIC CHARTER K-5th GRADE ELEMENTARY SCHOOL IN TWO PHASES, IN THE PUBLIC INSTITUTIONAL (PI) ZONE IN THE BUSINESS/INDUSTRIAL DISTRICT

CUP 13-004

P13-0011

High Tech High Learning

WHEREAS, on March 27, 2013 an application was received from High Tech Learning, for a Conditional Use Permit to allow the construction of an elementary school campus (in two phases), in conjunction with a General Plan Amendment (GPA 13-002) and Rezone (R 13-001), on vacant property located north of the existing High Tech Middle School campus (1460 W. San Marcos Boulevard). Phase 5A (temporary campus) will consist of four classroom modular buildings, an office modular building, a modular restroom building, parking, installation of perimeter walls around the permanent campus, and a fenced play area. The bulk of the site will be graded with phase 5A. Phase 5 will consist of the permanent elementary school, storm water BMPs, fenced and open play areas, parking and driveways, and landscaping. The site is located within the Business/Industrial District, more particularly described as:

Portions of Parcels B and C of Boundary Adjustment 06-197, filed February 13, 2007 as document number 2007-0099477 in the City of San Marcos, County of San Diego, State of California

Assessor's Parcel Numbers: 220-210-41 and 220-210-42

WHEREAS, on June 4, 2007, the Planning Commission approved Conditional Use Permit CUP 07-712 on APN 219-210-40 to allow construction of a temporary high school campus; and

WHEREAS, on November 5, 2007, the Planning Commission approved a modification to Conditional Use Permit (CUP 07-712(07M)), to allow the construction of the permanent high school and middle school campus with recreational amenities on APN 219-210-40; and

WHEREAS, on July 6, 2009, the Planning Commission approved a modification to Conditional Use Permit (CUP 07-712 (09M)) to allow the modification of the timing of the phasing of construction of the middle and high schools; and

WHEREAS, on February 14, 2012, the City changed the general plan land use designation on APN 219-210-40 from "Light Industrial" to "Public Institutional" and the general

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plan land use designation for APN 219-210-41 and 219-210-42 was changed from “Light Industrial” to “Industrial, with the requirement for a Specific Plan for future development”; and

WHEREAS, on December 14, 2012 the Zoning Ordinance was updated and schools are no longer allowed in the industrial zones (the high school and middle school were approved with a Major Conditional Use Permit in the Industrial zone, which was allowed at the time of the approval); and

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

WHEREAS, a public workshop was held on May 8, 2013; and

WHEREAS, the required public hearing held on June 3, 2013 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 13-002) 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:

WHEREAS, the City of San Marcos' 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 for the Business & Industrial District in that the charter K-5 grade elementary school campus is compatible with the surrounding General Plan land use designation, “Public Institutional” “Commercial” and “Industrial” and Medium Density Residential, by virtue of its location, placement and design and separation from the surrounding industrial uses. In addition, the granting of the Conditional Use Permit will be an expansion of the existing High Tech middle and high school campuses, and schools are allowed with a Conditional Use Permit in the Public Institutional zone;
2. The proposed Conditional Use Permit, with implementation of 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 charter elementary school building will be set back a sufficient distance so as not to create a negative noise impact (with implementation of noise mitigation measures), there will be adequate parking based on demonstrated staff and student demand; the building is single story; health risk analyses reports concluded no significant threats to health are present; and project generated traffic impacts will be mitigated below a level of significance.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 13-002) is hereby approved pursuant to the California Environmental Quality Act (CEQA).
- C. The Conditional Use Permit is approved per the submitted site plans (Phase 5A and Phase 5), architectural elevations, temporary school plan, and conceptual landscape plans except as modified herein, and subject to compliance with the following conditions:
 - 1. The site plan (Sheet A0 and A6), architectural drawings (Sheets A2), and floor plan (Sheet A1) and conceptual landscape plan shall be modified as follows prior to submittal of grading permits or building permits:
 - a. Sheet A0, revise site acreage from 5.6 to 5.13
 - b. Sheet A0, identify location and heights of solid perimeter wall
 - c. Sheet A0, revise the width of the western perimeter landscape strip to match width along the western property line of APN 219-210-40 to accommodate trees.
 - d. Sheet A0, truck turning radius for onsite circulation shall be approved by the Fire Marshal.
 - e. Plans shall identify the location of fire department standpipes.
 - f. Plans shall identify how the proposed access will tie into the existing access on APN 219-210-42.
 - g. Identify fencing material proposed around outdoor temporary and permanent elementary play area. Subject to approval of the Planning Division.
 - h. Provide a fire lane plan identifying minimum unobstructed 24' minimum.
 - i. Identify the location and material of the raised wall (west elevation).
 - j. Identify the proposed dry well.
 - k. Provide property line dimensions.
 - l. Sheet A6, modify plan to provide adequate ingress/egress for parking spaces. Design subject to City Engineer approval.
 - m. Clearly identify entire location of temporary fencing.
 - n. Identify drive aisle location.
 - o. Sheet A2, identify color of each "vertical corrugated metal panel." Plans indicate "mix of 3 colors." Material shall match the middle school. Final colors to be approved by the Planning Division Director. Identify all colors of proposed materials.
 - p. Sheet A2, identify color of darkest brick and provide a sample to the Planning Division for review/approval.
 - q. Sheet A2, incorporate shot blast brick into the elevation. This will tie into the 'wrap around' integration on the north and south elevations.
 - r. Sheet A2, identify specifications of the proposed metal awnings. Design of the tie rods and material shall match the existing buildings.
 - s. All windows shall be recessed, matching the middle school.
 - t. Identify how the water will travel from roof to dry well. Design shall comply with building code standards.
 - u. Identify the type and color of proposed roof.

- v. Location of all HVAC equipment shall be identified and screened to the approval of the Planning Division. If roof mounted, the elevations shall be modified (with a dashed line) to show the location of the proposed HVAC equipment.
- w. Applicant/developer shall coordinate with the City in finalizing the post-construction water quality Best Management Practice (BMP) requirements. Project must include site design and natural treatment control BMPs. The design of the proposed detention basin BMPs shall be approved by the Engineering and Planning Divisions. Detention basin design shall incorporate landscaping and other design elements to the satisfaction of the City Engineer and Planning Division Director. The outlet control design shall be aesthetically integrated with the approved landscape plan.

2. Phasing Diagrams shall be revised and submitted to the Planning and Building Divisions for review and approval. The phasing plan shall clearly identify the extent of on-site and off-site improvements and the location of all buildings in each phase. This shall include timing of removal of the modular buildings, timing of installation of landscaping and hardscape, recreational play areas, and fencing and/or walls.

3. Under separate permit, the applicant/developer shall submit landscape plans to the Planning Division for review and approval prior to issuance of any grading permit per the following requirements:

- a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect or licensed architect. The planting scheme on the conceptual landscaping plan is not approved until revisions are submitted and approved by the Planning Division.
- 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. The landscape plans shall be designed in accordance with the City's Water Efficient Landscape Ordinance.
- c. The submitted landscape concept plans are not approved. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system for the areas that will be permanently landscaped. Location and final design shall be approved by the Planning Division. The landscape strip along the western boundary shall be a minimum of 5' to accommodate planting of trees (consistent with the middle school design). The landscape plans shall specify the location of a combination of 36" box trees, 24" box trees, and 15 gallon trees (identify the proposed location of each size of tree). 24" box trees shall be planted around the perimeter of the project (adjacent to the parking lot) and shall be an evergreen species. The

proposed Jacaranda Mimosifolia is not approved along the perimeter. 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 Council Resolution 2001-5747; and method of installation and irrigation. The applicant/developer applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.

- d. Final landscape plan shall be consistent with the approved grading plan, and shall incorporate all approved water quality Best Management Practices. All BMPs shall be identified on the landscape plans.
- e. Proposed landscaping shall have an integrated, compatible design with the landscaping installed for the middle and high school campuses. Landscaping already installed shall remain in place, to the extent feasible. The 24 trees identified for removal on Sheet L1 shall be replanted on site if feasible or replaced with large specimen trees.
- f. A sample of the proposed permeable pavers shall be submitted to the Planning Division for review/approval prior to issuance of grading permit.
- g. The landscape plan shall include a hardscape plan identifying the materials of all sidewalks, including the proposed scoring. The sidewalk design adjacent to the north/south oriented drop off aisle shall be continued on the elementary campus.
- h. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division for plant quality and compliance with minimum size requirements. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections. The Planning Division shall also approve the proposed temporary landscaping.

4. Within 30 days of the approval of the Conditional Use Permit (CUP 13-004), the site plan shall be submitted as an original mylar along with a mylar of this resolution as the title page. This title page shall include the statement "I(we), _____, the owner(s) or the owner's representative, have read, understand and agree to the conditions of Resolution 13-4351." 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.

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

- a. The grading plans shall incorporate all provisions of condition C1.
- b. The applicant/developer of the property shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation, and drainage facilities, as required by the City Engineer.
- c. The applicant/developer shall provide evidence all existing reciprocal access and maintenance easements have been maintained. Quitclaim of existing reciprocal access easements and granting of new reciprocal easements with impacted property owners may be required.
- d. The applicant/developer shall reimburse the City Attorney's office for any project review time spent.
- e. All existing above surface utility cabinets or facilities shall be underground or relocated so as not to be visible from a public street. All proposed utility cabinets and facilities shall be undergrounded or located outside of the public right of the way so they are not visible from the public street. Any waiver from this requirement shall be at the approval of the City Engineer and Planning Director. Said utility facilities shall be depicted on the grading, improvement, and landscape plans. A utility plan depicting said locations shall be approved prior to grading permit issuance.
- f. The design of all private streets and drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City of San Marcos Standards based on R-value tests. All private streets and drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City prior to issuance of any permit for this project.
- g. An on-site striping and signage plan shall be submitted to the City for review and approval. Said plan shall provide concepts which will maximize the flow of traffic through the High Tech High campus.
- h. The grading plans shall identify the location of all fire hydrants, which shall be Jones or Clow type (one 2 ½ & two 4 inch ports). Location and quantity of fire hydrants shall be approved by the Fire Marshal. Fire standpipes may be required by the Fire Marshal and shall be identified on the plans subject

to approval.

- i. The exact depth of street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria". All existing streets shall be "core tested" to determine the existing structural section and the extent of overlay or reconstruction necessary to achieve the required structural section described above. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
- j. The applicant/developer shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, traffic signals, storm drain facilities, water quality BMP's, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "Approved" public improvements within a period to be specified in the Development Improvement Agreement.
- k. The applicant/developer shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding of all utilities fronting, abutting, or within the property with the exception of sixty-nine (69) KVA or greater power lines within the site. Overhead power (less than 69 KVA) and other utility lines currently on 69 KVA transmission poles/towers shall be relocated underground along the subdivision boundary.
- l. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
- m. 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.
- n. 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. Radius-type driveways are required per City standards.
- o. An unsubordinated reciprocal access and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be

submitted to the City's Planning Division.

- p. Individual parking spaces shall be a minimum of nine (9) feet wide by eighteen (18) feet depth. 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.
- q. The applicant/developer shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFD):
 - CFD 98-01, Improvement Area No. 1, Police Only
 - CFD 2001-01, Fire and Paramedic
 - CFD 98-02, Lighting and Landscape
 - CFD 2011-01, Congestion Management

No development entitlement or grading permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. 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 Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

- r. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Director prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the applicant/developer decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Division Director. Other conditions may be imposed by the City Engineer and Planning Division Director to allow out-of-phase construction.
- s. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this site plan.
- t. 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.
- u. Prior to release of any securities, a digital disk of all as-built drawings and

maps is required on a CD. Said files shall be in an Autocad format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. PDF versions of all approved drawings and recorded documents shall be provided. In addition, electronic files of the project reports (i.e. soils report, drainage study, SWPPP, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. Copies of the final as-built drawings shall be submitted on a CD in a format acceptable to the City. A Mylar of the map, after recordation is also required.

- v. A detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising therefrom shall be submitted in the form of a report.
- w. An accessible path of travel shall be provided within the boundary of the site from public streets or sidewalks to coincide with the accessible path of travel from accessible parking spaces to all entrances and ground floor exits.
- x. 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. 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.
- y. 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.
- z. In those areas where grading variances are approved, increased development standards for landscape and special grading techniques shall be applied. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.
- aa. 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.
- bb. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all

intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (CalTrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.

- cc. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
- dd. A hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
- ee. 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.
- ff. 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.
- gg. Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lots.
- hh. The developer shall revise the Water Quality Improvement Plan (WQIP) Sheets to reflect the latest City of San Marcos Storm Water Standards Manual guidelines and current NPDES Permit.

- ii. The WQIP sheets shall be prepared in conjunction with the grading plans. Developer shall provide geotechnical confirmation for all infiltration BMPs or for not using infiltration BMPs.
- jj. The applicant/developer 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.
- kk. The applicant/developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) which satisfies the requirements of the latest State Water Resources Control Board General Construction Permit.
- ll. 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.
- mm. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure on-going long-term maintenance of all construction BMP's. Said mechanism shall address maintenance of the BMP's if project delays or abandonment occurs.
- nn. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.
- oo. The applicant/developer shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding the grading with dry weather periods, permanent re-vegetation and landscaping as early as feasible, temporary stabilization and reseeding of disturbed soil areas as early as feasible.
- pp. The project shall meet the San Diego County Municipal Storm Water Permit Requirements for implementing LID. Prior to issuance of grading permit, applicant shall demonstrate for City approval that LID requirements are met for Section D.4.a. of the MS4 permit with either porous pavers or other approved alternative in the onsite parking areas.

qq. The applicant/developer shall submit to the City for review and approval a BMP sheet that includes 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 or its successor. The project landscape architect shall sign this plan certifying the BMP's have been incorporated into the landscape plans. Said plan shall be a separate sheet incorporated into the grading plan set.

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

1. Latitude and Longitude
2. Maintenance Requirements
3. Assessor Parcel Number location for each BMP
4. Type of BMP per CASQA classification
5. Pollutants removed by each BMP and Efficiency
6. Anticipated Project Generated Pollutants
7. Downstream Impaired Water Body Pollutants
8. Model number, manufacturer, manufacturer phone number, treatment flow, retention times for each BMP
9. Area of project treatment for each BMP
10. A unique BMP ID number shall be assigned by the City and shall be shown on the WQIP sheet.

rr. 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 WQIP.

ss. The applicant/developer shall coordinate with the City of San Marcos in order to provide a road survey of the impacted streets. Said survey shall document the condition of the streets prior to construction. Said survey shall be used to substantiate construction oriented damage. The applicant/developer shall be responsible for any damage and shall make any necessary repairs to the satisfaction of the Public Works Director. Said road survey shall be to the satisfaction of the Public Works Director.

tt. The applicant/developer shall submit a construction phasing plan which provides details of how construction will occur during the High Tech High school session.

uu. Approval of a boundary adjustment between APN 219-210-41 and 219-210-42 shall be recorded. If the boundary adjustment and ownership of transfer and has not been completed, the applicant shall secure written authorization for construction activities from the property owner of 219-210-42.

vv. Should cultural resources be encountered during construction of the

project, all work in that area shall be halted and a qualified archaeologist shall be summoned and shall have the authority to halt and redirect construction until the significance of the find can be determined. Should the resource be determined significant, a recovery and catalog program shall be implemented.

- ww. If buried paleontological resources are discovered during any construction operations associated with future development, all work in that area shall be halted or diverted until a qualified paleontologist can evaluate the nature and significance of the finds.
- xx. The applicant shall enter into a pre-excavation agreement with the San Luis Rey Band of Mission Indians, and if applicable, any other Native American Tribe contacted by the City in accordance with Government Code Section 65352.3, to provide for the following: 1) a culturally affiliated Native American monitor during initial grading activities; 2) the return of cultural items that may be found during project construction; and 3) proper treatment of any burial remains found.
- yy. The applicant shall design a minimum six (6) foot high solid wall along the western and northern property boundary, to comply with mitigation measure identified in the DUDEK Noise Assessment. Since there is a grade difference between the residential and industrial properties and the site, the height of the wall shall be six feet above the residential pad elevation or top of slope, whichever is higher. The sound wall material shall be a solid surface (with decorative shot blast design to match the existing wall to the south), with no openings or decorative cuts, and have a minimum weight of 3.5 lbs/ft² surface area.
- zz. The applicant shall implement the Noise Mitigation Measures identified in the DUDEK Noise Assessment, or as modified and approved by the City.

6. The perimeter sound wall should be built at the time of grading the site for Phase 5A. Prior to issuance of a building permit for the perimeter wall, the construction drawing set shall be reviewed by a City noise consultant to verify project consistency and compliance with the noise mitigation measures outlined in ND 13-002. If as a result of this review, additional mitigation measures are required, these measures shall be implemented during project construction and if applicable, during project operation. The applicant shall submit a noise review deposit in the amount of \$2,500 to fund the noise consistency review.

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

- a. All required and approved modifications to the submitted site plan, architectural elevations, and landscape plans shall be completed and

submitted to the Planning Division.

- b. The materials of the proposed buildings shall be approved by the Planning Division Director.
- c. The specifications of any proposed roof equipment units shall be provided on the construction drawings; the specifications shall include the size, height and a picture of the units. Screening of all equipment, including ground mounted, shall be identified on the plans and shall specify design and material, subject to approval of the Planning Division.
- d. 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.
- e. All grading shall be supervised by an 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.
- f. 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.
- g. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
- h. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.
- i. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.

- j. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
- k. 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.
- l. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance. Vallecitos Water District will require a water and sewer study.
- m. The applicant/builder/contractor shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503
- n. 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 is based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
- o. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The developer shall inform the new owners that they own the mailboxes and are responsible for replacement.
- p. 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.
- q. The proposed development shall comply with the latest adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.
- r. All exterior lighting shall comply with City standards.
- s. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act ("ADA-2010"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.

- t. 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.
- u. 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.
- v. Building address and Classroom numbers shall be clearly labeled for day and nighttime emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities.
- w. Signage shown on the elevations and the plans is not approved. Signage shall be approved per a Comprehensive Sign Program to be submitted and approved by the City.

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

- a. All conditions of Condition 7 shall be complied with.
- b. 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.
- c. Design, location and implementation of emergency access during construction and school operations shall be approved by the City Engineer, Fire Marshal, and Planning Division Director.
- d. Fire hydrants and standpipes (if required) shall be identified on the site plan as required by the Fire Marshal.
- e. The applicant/developer shall provide a design which eliminates the traffic signal split phase at San Marcos Blvd. and Discovery Street. Dual lefts on northbound and southbound Discovery Street shall be designed to the satisfaction of the City Engineer.
- f. The applicant/developer shall pay a fair share contribution towards the intersection improvements at San Marcos Blvd. and Rancho Santa Fe Road.
- g. The applicant/developer shall pay a fair share contribution towards the

intersection improvements at San Marcos Blvd. and Las Posas Road.

- h. A traffic signal easement shall be granted to the City of San Marcos within the entry road at the intersection of San Marcos and Discovery Street. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
- i. 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.
- j. 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.
- k. A Transportation Demand Management (TDM) Plan shall be submitted for review and approval by the City Engineer and Planning Director. Said TDM plan shall, address coordination with local transit districts regarding existing and future bus routes and stops, shuttle service to rail stations and incentives for bus & rail passes. The TDM plan shall also include investigations into staggered work hours, carpools, education and financial incentives. The TDM plan shall be implemented at occupancy. Applicant will be responsible for the submission of an annual report consistent with the TDM goals and general strategies for review by the City Engineer and Planning Director.
- l. The applicant/developer shall enter into a Development Improvement Agreement with the City to complete the San Marcos Blvd./Discovery Road intersection road improvements and all required off-site transitions prior to occupancy of the permanent elementary school or 365 days (whatever occurs first), or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
- m. An LED street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All on-site lighting systems shall also comply with City's standards and shall be to the satisfaction of the City Engineer.
- n. 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.
- o. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be

placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.

- p. The applicant/developer shall submit a technical report that defines the mitigation measures necessary to prevent environmental hazards to the students and staff in the temporary buildings during construction of the permanent facility, i.e., said report shall address excessive noise, earthwork dust, fumes and vapors from equipment and material fabrication.
- q. The applicant/developer shall submit plans and specifications for improvement of all streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing Caltrans standards and acceptable to the City Engineer.
- r. The applicant/developer shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works/City Engineer. Said plan shall include all traffic control devices including traffic signals as required.

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

- a. 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.
- b. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
- c. 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.
- d. 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.
- e. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or holidays observed by the City of San Marcos. Failure to comply

with result in the issuance of citations. Citations required a mandatory court appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.

- f. During grading and construction operations, the applicant/developer shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
- g. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
- h. 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.
- i. 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.
- j. The applicant/developer 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 or its successor.
- k. The applicant/developer shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
- l. 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.

- m. The applicant/developer shall minimize exposure time of disturbed soil areas.
- n. All mobile or fixed noise-producing equipment used on the project that is regulated for noise output by a local, state, or federal agency will comply with such regulation while in the course of project activity.
- o. Electrically powered equipment will be used instead of pneumatic or internal combustion powered equipment, where feasible.
- p. Material stockpiles and mobile equipment staging, parking, and maintenance areas will be located as far as practicable from noise-sensitive receptors.
- q. The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.
- r. The on-site construction supervisor will have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the City will be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.
- s. Signs shall be posted at the project site identifying a contact name and phone number to register noise complaints during the construction operation.
- t. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
- u. 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 during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.

10. Prior to occupancy of the permanent elementary school building, the following

conditions shall be complied with:

- a. 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.
- b. San Marcos Blvd. and Discovery Street shall be constructed as shown on the approved improvement plans and shall be to the satisfaction of the Public Works Director.
- c. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. Undergrounding shall take place prior to surfacing of streets.
- d. The applicant/developer shall pay for and install all street name signs and traffic control devices fronting and within the project. The developer shall also post "No Parking" signs. All traffic control devices will be placed according to a plan prepared by the applicant/developer and approved by the City Engineer and the Director of Public Works.
- e. "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.
- f. 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.
- g. All water quality BMP's shall be inspected and approved by the Public Works Director, City Engineer, Planning Director and Storm Water Manager.
- h. 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.
- i. The applicant/developer shall ensure that the grading and other construction activities meet the provisions specified in the California RWQCB, San Diego Region, Order 2001-01, NPDES No. CAS0108758 – Section D.2.

- j. The applicant/developer shall stabilize all slopes per a City approved method.
- k. 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.
- l. Reciprocal access between APN 219-210-38, 219-210-41, 219-210-42, 219-210-44, and 219-210-45 in a form satisfactory to the City Attorney and City Engineer shall be recorded.
- m. Applicant/developer shall construct the private road improvements as shown on the approved improvement plan drawings and traffic management plan.
- n. All landscaping shall be installed completely in accordance with the approved Phasing Plan, and inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.
- o. 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.
- p. A digital disk of all as-built drawings and maps is required on a CD and shall be submitted to the Planning Division. Said files shall be in an Autocad format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. In addition, electronic files of the project reports (i.e. Environmental Phase I Report, Soil Gas Sampling Report, Geotechnical Report, Noise Assessment Report, Traffic Assessment Report, etc.) shall be submitted on a CD. A Mylar of the site plan, landscape plan, and architectural plans are also required.
- q. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.
- r. The applicant/developer shall comply with the Fire Department requirements for the installation of fire hydrants, turnaround access for emergency vehicles, and installation of fire extinguishing systems.
- s. The applicant shall contact the Planning Division to inspect the project for conformance with conditions of approval. Any rooftop and ground mounted

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

- t. All recreational amenities, landscaping, walls, parking lot and driveway striping shall be installed in accordance with approved plans. All modular buildings shall be removed from the site.
- 11. No more than six (6) modular buildings shall be allowed on site during Phase 5A.
- 12. The temporary campus shall be removed by Fall 2014 school year (permanent campus shall be completed by this date), unless approved by the Planning Director.
- 13. No loud speakers or music shall be played outside of the buildings.
- 14. There shall be no lighting installed in the recreational/play areas to allow for recreational activities to be scheduled in the evening hours.
- 15. Enrollment for the high school building shall not exceed 530 students and 36 staff. Enrollment for middle school shall not exceed 330 students and 22 staff. Enrollment for the temporary elementary school shall not exceed 96 students and 7 staff; and enrollment for the permanent elementary school shall not exceed 460 students and 32 staff.
- 16. School start and end times for the high school, middle school, and elementary school shall be off-set from San Marcos High School to reduce parking impacts, unless otherwise authorized by the City. High Tech High shall begin no earlier than 8:30 AM and end at 3:30 PM. The High Tech High Middle School shall start no earlier than 8:45 AM and end at 3:15 PM. The High Tech Elementary School shall start no earlier than 8:15 AM and end at 2:45 PM. The applicant shall be responsible for monitoring the flow of arrivals/departures to ensure timely arrivals/departures of students from the site and shall implement measures to ensure compliance if determined necessary by the City.
- 17. Any future expansion of the High Tech North County campus shall require a modification to CUP 13-004. The Conditional Use Permit application must be submitted for review and approval by the Planning Commission prior to the issuance of any building permits.
- 18. "No Loitering" and "No Skateboarding" signs should be conspicuously posted at the entrances and on the buildings to cover the entire site.
- 19. Ancillary programs such as preschool, childcare, or community events shall require the approval of the Planning Division Director.

20. Special events, such as "Back to School Night," graduation, etc. shall require adequate parking capacity. Off-site temporary parking agreements with adjacent property owners to accommodate the special event are permitted, however, will be limited to the special event.
21. The trash enclosure shall be secured to prevent illegal dumping. Trash service schedule shall be established to ensure sufficient capacity for all three campuses.
22. 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.
23. The approved architecture, paint colors and materials shall not be modified by the owner(s) or subsequent owner(s) in the future without City approval.
24. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
25. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
26. 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.
27. 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.
28. The Planning Division may, but is not obligated to, inspect the premises annually to ensure compliance with all conditions of the use permit approval. If the Planning Division determines that compliance is not being achieved, then a public hearing shall be scheduled for possible use permit modification or revocation.
29. This Conditional Use Permit shall expire on June 3, 2014 unless a building permit is obtained by this date and construction has begun in accordance with the submitted plans.
30. To the extent permitted by law, the 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 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 Developer or its contractors, subcontractors, agents, employees or other persons acting on 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. Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 3rd day of June, 2013, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Dean Nelson, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION