

RESOLUTION PC 14-4403

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A TENTATIVE PARCEL MAP TO ALLOW FOR A LOT CONSOLIDATION AND COMMERCIAL CONDOMINIUM UNITS WITHIN A MIXED-USED DEVELOPMENT IN THE RICMAR SPECIFIC PLAN AREA (SPA) ZONE IN THE RICHMAR NEIGHBORHOOD.

TPM 13-003
El Dorado II, LP – Todd Cottle

WHEREAS, on August 7, 2013 an application was received from El Dorado II, LP requesting a Tentative Parcel Map (TPM 13-003) to allow for a lot consolidation and commercial condominium units within a mixed-use development, in conjunction with General Plan Amendment (GPA 13-004), Specific Plan (SP 13-002), Site Development Plan (SDP 13-003), and Multi-Family Site Development Plan (MFSDP 13-001), located at 304, 312-318, 320, 330, 340, & 350 West Mission Road and 303, 331, 343, & 363 Richmar Road, in the Specific Plan Area (SPA) Zone in the Richmar Neighborhood, more particularly described as:

Portion of Lot 1 & 2, Block 50 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Numbers: 220-100-08-10, 12, 14, 29, 56, 59, 62-64, 66 and 67.

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

WHEREAS, the required public hearing held on April 28th, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 13-009) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission did consider said Tentative Parcel Map and the recommendation by staff, the City Engineer, the Director of Public Health, the Director of the Department of Sanitation and Flood Control, and the Chief of the San Marcos Fire Protection District with respect thereto, and did determine that the conditions hereinafter are necessary to insure that the subdivision and the improvements thereof will conform with all ordinances, plans, rules, standards, and improvements and design requirements of the City of San Marcos; and

WHEREAS, the subdivider proposes to file a Final Map of said subdivision;

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

1. The Tentative Parcel Map, as conditioned, complies with the proposed zoning of Specific Plan Area (SPA) in that the proposed mixed-use development is approved per the design standards established under the El Dorado II Specific Plan.
2. The site is physically suitable for this type of subdivision, with the conditions of approval, in that the site can accommodate the proposed mixed-use development by providing adequate building setbacks, open space, and parking as established under the Specific Plan.
3. The proposed residential uses on the project site will be developed under a Specific Plan which will detail the acceptable residential density on the project site and address the compatibility with adjacent land uses.
4. The design or improvements will not conflict with any easements acquired by the public at large for access.
5. 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.
6. The design of the subdivision and improvements will not cause public health problems in that water and sanitary sewer services are provided to the site.
7. The design of the subdivision and improvements will not cause significant environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant environmental issues or concerns were identified through the environmental assessment prepared for the development.
8. The Tentative Parcel Map, as conditioned, will not be detrimental to the public health, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage are provided.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

- A. The foregoing recitals are true and correct.
- B. The Tentative Parcel Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Mitigated Negative Declaration (MND 13-009) for this project is hereby adopted pursuant to the California Environmental Quality Act (CEQA).
- D. The Tentative Parcel Map is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution.
- E. The approval of this Tentative Parcel Map shall expire within twenty-four (24) months from date of Planning Commission approval. The Final Map, conforming to this conditionally approved Tentative Parcel Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council

subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a refiling of the Tentative Parcel Map and new processing of the map.

F. Within 30 days of the approval of Tentative Parcel Map (TPM 13-003), whichever occurs first, the tentative map shall be submitted as a digital file and an original mylar, along with the a mylar of this resolution as a 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 PC 14-4403". Immediately following this statement shall appear a signature block for the owner(s) or the owner's representative which shall be signed. Signature blocks for the Project Planner and 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 final map submittal.

G. This Tentative Parcel Map is approved in conjunction with the submitted General Plan Amendment (GPA 13-004), Specific Plan (SP 13-002), Multi-Family Site Development Plan (MFSDP 13-001), Site Development Plan (SDP 13-003) and all conditions of approval specified in Resolutions PC 14-4399, PC 14-4400, PC 14-4401, and PC 14-4402 respectively, are hereby incorporated by reference herein.

H. The Tentative Parcel Map shall be modified as follows:

1. Only features pertaining to lot lines, easements, right of way, and street improvements (e.g., curb, gutter, sidewalk, dimensions, etc.) shall be shown on the tentative map. All other features including, landscaping, and decorative items shall be removed.
2. Under General Notes, the gross and net acreage of the site shall be identified as "3.78 acres".
3. Legal Description shall be indicated on the site plan.
4. Commercial condominium space shall be shown for Building A.
5. The site layout shall be revised to be consistent with the approved site plan.
 - a. **Sheet M-1**
 - 1) (ultimate design) The pedestrian sidewalk along the Mission Road retail frontage shall include a minimum 21 foot paseo (measured from face of curb) to accommodate enhanced flatwork, landscape, outdoor dining & pedestrian movement/activities.
 - a) Cross-section A shall be modified to reflect condition H.5.a.1).
 - 2) (ultimate design) The pedestrian sidewalk along the Mission Road residential frontage shall include a minimum 10 foot meandering sidewalk to accommodate enhanced flatwork, landscape, pedestrian movement and enhanced pedestrian entries to the residential units.

- a) **Cross-section A** shall be modified to reflect condition H.5.a.2).
- 3) The pedestrian sidewalk along the Pleasant Way retail frontage corner shall include a minimum 21 foot paseo in front of Building A (measured from face of curb) to accommodate enhanced flatwork, landscape, outdoor dining & pedestrian movement/activities.
 - a) Cross-section B shall be identified as "existing condition".
 - b) Cross-section C shall be identified as "Ultimate Condition".
 - i. Add note and design addressing pedestrian easement on the retail corner maintaining a minimum 40 foot wide or greater to accommodate enhanced flatwork, landscape, outdoor dining & pedestrian movement/activities.
 - ii. Expand plaza area for outdoor dining & pedestrian movement/activities.
 - iii. Consult landscape architect to determine location of streets trees & grates so they are strategically place and shall not be relocated for ultimate street design.
- 4) The pedestrian sidewalk, north of the driveway, along the Pleasant Way residential frontage shall include a minimum 10 foot enhanced sidewalk (unless permitted otherwise) to accommodate enhanced flatwork, landscape, pedestrian movement and enhanced pedestrian entries to the residential units.
 - a) Show meandering sidewalk along Mission Road frontage between driveway and westerly property line.
- 5) Add a new Cross-Section D for Pleasant Way addressing the "ultimate street design".
 - a) Show ultimate right of way with the following elements:
 - i. Street width
 - ii. Two way circulation
 - iii. Adequate easements for retail plaza & 8-10 foot residential sidewalk
- 6) Verify location of all above ground utilities. If applicable, additional easement may be required to push utilities away from outdoor dining & pedestrian movement/activities.
- 7) The following corrections apply to the General Notes:
 - a) Box number 5, correct statement to read this is in the Richmar Specific Plan Area.
 - b) Box number 6, this property shall be annexed into all Applicable Community Facility Districts.
 - c) Box number 8, the zoning is not R-3-6, it is SPA and it is not

Proposed as SPA, it is SPA.

d) Box number 9, the existing GP is SPA mixed use.

e) Box number 13, clarify acreage, is it 3.73 or 3.8

a. Sheet M-2

- 1) Plot all applicable easement as note above per conditions.
- 2) Show all above ground utilities on site plan in order to determine if the location is agreeable or requires relocation into site with new easement.

I. Prior to approval of the Final Parcel Map the following conditions shall be complied with.

1. Prior to Final Parcel Map approval, the subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certificate from each of the public utilities and each entity owning easements within the proposed subdivision stating that:
 - a. They have received from the subdivider, a copy of the proposed Final Parcel Map.
 - b. They object or do not object to the filing of the Final Parcel Map without their signature.
 - c. In the case of a street dedication affected by their existing easement, they will sign a "Subordination Agreement" on the Map when required by the Governing Board.
2. The Final Parcel Map shall show the gross and net acreage of all parcels created as wells as the number of condominium units. The areas of any private road easements are to be subtracted from gross area.
3. The Final Parcel Map shall use the California Coordinate System of 1983 for its "Basis of Bearings" and show two (2) measured ties to Horizontal Control Monuments of said system as shown on City of San Marcos Record of Survey 13928.
4. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this tentative map.
5. A digital file of all drawings and maps submitted is required on a compact disc with an AutoCAD format acceptable to the City. A conformed mylar copy of the map, after recordation, is also required.
6. The applicant shall submit an exhibit which identifies all common areas.
7. The Parcel Map shall indicate that all streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by a owner/property management company , or such other provision for maintenance which may be subsequently approved by City Council.

8. Certificate(s) of Occupancy will not be issued prior to recordation of the Parcel Map.
9. 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.
10. 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.
11. 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.
12. Where proposed off-site improvements including but not limited to streets, slopes, public utility facilities, and drainage facilities are to be constructed, the applicant/developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant/developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map.

If said dedication and easements are not acquired after negotiations between the private parties, the applicant/developer shall submit a written request and provide sufficient information not later than sixty (60) days prior to filing of any final map for approval, in accordance with Section 19.16.110 of the City's of San Marcos Municipal Ordinance, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In any case, the applicant/developer shall be responsible for all costs incurred in acquiring offsite property.
13. The subdivider shall dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map. 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.
14. Individual public parking spaces shall be per the Zoning Ordinance, Table 20.340-4. Curb overhang may be allowed adjacent to sidewalks as long as there is a minimum unobstructed sidewalk width called out for each street frontage. Otherwise, wheel stops shall be installed to prevent vehicles from hanging over the sidewalk.
15. The subdivider shall provide a municipal and emergency access easement over the entire project.

16. The subdivider shall ensure Mission Road is dedicated along the subdivision frontage based on a centerline to right-of-way width of forty-two (42) feet. Additionally, a public pedestrian and general utility easement is required between the right-of-way and face of building to provide a minimum twenty-one (21) foot depth free and clear between face of curb and buildings, to the satisfaction of the Planning Director and City Engineer. A Community Facilities District (CFD) maintenance easement may be required as needed.
17. The subdivider shall ensure Pleasant Way, north of the proposed driveway, is dedicated along the subdivision frontage, based on a width to accommodate a two-lane roadway (twenty-four (24) feet curb to curb, measured from the existing easterly curb) and a twenty (20) foot diagonal parking. Additional right-of-way may be required to effectively accommodate the proposed travel lanes, frontage diagonal parking, urban trail, and utilities. Also, a public pedestrian and general utility easement is required between the right-of-way and face of building, with the width dependent on the location of the ultimate right-of-way, to the satisfaction of the Planning Director and City Engineer. A CFD maintenance easement may be required as needed.
18. The subdivider shall ensure Pleasant Way, south of the proposed driveway, is dedicated along the subdivision frontage, to accommodate a two-lane roadway (twenty-four (24) feet curb to curb, measured from the existing easterly curb) and a ten (10) foot right-of-way line offset from the face of westerly curb. Additionally, a public pedestrian and general utility easement is required between the right-of-way and face of building to provide a minimum twenty-one (21) foot depth free and clear between face of curb and buildings, to the satisfaction of the Planning Director and City Engineer. A CFD maintenance easement may be required as needed.
19. The subdivider shall ensure Richmar Road, is dedicated along the subdivision frontage based on a centerline to right-of-way width of thirty (30) feet. Additional right-of-way may be required to effectively accommodate the existing travel lane, frontage parallel parking, urban trail. Moreover a general utilities easement is required between the right-of-way and face of building, to the satisfaction of the Planning Director and City Engineer. A CFD maintenance easement may be required as needed.
20. All encroachments into the public right-of-way for the benefit of the proposed development shall be established via an encroachment easement and maintenance agreement with an annual fee, to the satisfaction of the City Engineer and City Attorney.
21. Mission Road shall be designed to half width four (4) lane secondary arterial street standards with, but not limited to, a right-in/right-out ingress/egress into the project with proper signage and use of a driveway pork chop a meandering sidewalk and utilities, C.U. Soils (or equivalent)/Trees, and LED pedestrian/street lighting. Moreover, the meandering sidewalk and utility placements may extend outside the public right-of-way thereby requiring pedestrian and/or utility easements. All shall be to the satisfaction of the Planning Director and City Engineer.
22. Pleasant Way, north of the proposed driveway, shall be designed to accommodate a twenty-four (24) foot curb to curb width (measured from the easterly curb) for a two-way travel lane, diagonal parking, a ten 10 foot urban trail and a general utilities corridor, sidewalk and utilities, C.U. Soils (or equivalent)/Trees, and LED pedestrian/street lighting.

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". Additionally, street striping and signage shall be modified to convert the one-way, northbound, street configuration into a two-way street. Moreover, the sidewalk and utility placements may extend outside the public right-of-way thereby requiring pedestrian and/or utility easements. All shall be to the satisfaction of the Planning Director and City Engineer.

23. Pleasant Way, south of the proposed driveway, shall be designed to accommodate a twenty-four (24) foot curb to curb width (measured from the easterly curb) for a two-way travel lane, a meandering sidewalk and utilities, C.U. Soils (or equivalent)/Trees, and LED pedestrian/street lighting, with a minimum twenty-one (21) foot depth free and clear with a public pedestrian and general utility easement between the right-of-way and face of building to provide a minimum twenty-one (21) foot depth free and clear between face of curb and buildings. 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". Additionally, street striping and signage shall be modified to convert the one-way, northbound, street configuration into a two-way street. Moreover, the sidewalk and utility placements may extend outside the public right-of-way thereby requiring pedestrian and/or utility easements. All shall be to the satisfaction of the Planning Director and City Engineer.
24. Richmar Road shall be designed to half width modified residential street standards to include a ten (10) foot urban trail, C.U. Soils (or equivalent)/Trees, LED pedestrian/street lighting. Additionally, the general utility easement shall be located where approved by the City Engineer.
25. The developer shall provide a design showing an enhanced hardscape at the corner of Pleasant Way and Richmar Avenue. Final design to be approved by the Planning Director and City Engineer.
26. The developer shall provide a design showing an enhanced plaza at the corner of Pleasant Way and Mission Road. Final design to be approved by the Planning Director and City Engineer.
27. The improvement plans shall show, but not be limited to, utility and pedestrian easements, sidewalks, curb and gutter, parking, appropriate signage and/or curb painting along the project's Mission Road, Pleasant Way, and Richmar Road frontages, all to the satisfaction of the City Engineer, Planning Director, and Public Works Director.

28. The subdivider shall initiate the quitclaim of Fitzpatrick Road, for that portion traversing the project site between Richmar Road and Mission Road, and dedicate land to respective owner. Final recordation information of vacation document shall be placed in a conspicuous place on the Map.
29. The applicant shall submit a parking management plan to the Planning Division for review and approval.
30. The improvement plans shall show the seal coat (Type II), with replacement striping as needed, for Mission Road, Pleasant Way, and Richmar Road, per the excavation ordinance and to the satisfaction of the Public Works Director.
31. The subdivider shall pay an in-lieu fair share fee for a fiber optic traffic signal interconnect system linking the traffic signals between Pico Avenue and Marcos Street. Said fee shall be per lineal foot from Pleasant Way centerline to the project's westerly property line.
32. All retaining walls shall be shown on the construction drawings as split-face block or other naturally appearing construction material as approved by the City Engineer and Planning Director. Color of retaining walls shall be tan or similar earth-tone color. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit. Additional landscaping shall be installed where deemed appropriate by the Planning Director to soften appearance of high walls.
33. 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.
34. The applicant/developer shall enter into a regulatory agreement and Owner Participation Agreement (OPA) approved by the City Manager, for the affordable housing units. The agreement shall include, but is not limited to, term of restriction, monitoring requirements, occupancy and income restrictions, management control, and Conditions, Covenants, and Restrictions considered by the City to ensure compliance with the City's Housing Element of the General Plan.
35. 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.
36. The design of all streets and/or drainage systems for this project shall be approved by the City Engineer. All streets and/or 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 grading permit for this project.

37. All improvements along the project's frontage requiring trenching and backfilling shall be completed per the City's Excavation Ordinance/Backfill Requirements (e.g., Type II Slurry Seal).
38. Improvement plans shall show all existing and proposed drainage facilities including surface and subsurface construction.
39. The applicant/developer shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, storm drain facilities, water quality BMPs, 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.
40. The applicant/developer shall enter into a Subdivision Improvement Agreement (SIA) with the City to complete the required road improvements and all required off-site transitions within 360 days from the issuance of grading permits, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline. For phased developments, completion of phased improvements may be revised at the discretion of the City Engineer.
41. 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.
42. A light emitting diode lighting system for pedestrian and street lighting 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 installations shall be compliant with the City's Street Lighting Standards.
43. Fire hydrants shall be shown on the plans at locations to the satisfaction of the Fire Marshal.
44. The applicant/subdivider shall provide a truck turning exhibit showing the site can accommodate ingress/egress and onsite circulation for emergency vehicles. Hammerheads and/or turnarounds may be required to the satisfaction of the City Engineer and Fire Marshal.
45. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities.
46. All private concrete terrace drains shall be maintained by the owner/property manager. An appropriately worded statement clearly identifying the responsibility shall be placed in the CC&R's and on any appropriate plans and maps.

47. Landscape maintenance for publicly dedicated open space, paseos, plazas, and any other territory identified under the CFD exhibit shall be maintained by the **owner/property manager** for a minimum period of two (2) years, which may be extended, until such time as accepted into the Landscaping and Lighting District. Prior to acceptance by the City, the **owner/property manager** shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.
48. 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.
49. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
50. 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, urban trail easement, to avoid reconstruction or modification of same. Said facilities shall not be placed in the mixed-use area. If possible, said facilities shall be located within or behind the building(s) in order to be screened from public view.
51. 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.
52. 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, and shall include an enhanced pavement pattern to the satisfaction of the Planning Director. This minimum shall be increased as deemed necessary by the City Engineer. Radius-type driveways are required per City standards.
53. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
 - a. CFD 98-01 - Improvement Area No. 1 (Police Only)
 - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
 - c. CFD 2001-01 – Fire and Paramedic
 - d. CFD 2011-01 – Congestion Management

Additionally a special Improvement area shall be formed with respect to CFD 98-02 for the ongoing maintenance services provided by the city for improvements being installed above and beyond the City standards, installed by the developer as shown on the Special Improvement Area Exhibit. No permit will be issued without receipt of a petition for

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annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation the developer may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

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.

- a. At a minimum, the following items are to be privately owned but maintained by the City, as depicted on the Special Improvements Area CFD 98-02 Exhibit:
 - i. Improved pedestrian urban trails located outside of the public right-of-way
 - ii. Graded and landscaped slopes fronting Mission Road
- b. At a minimum, the following items are to be publicly owned and maintained by the City, as depicted on the Special Improvements Area CFD 98-02 Exhibit:
 - i. Parkway landscape and hardscape within Mission Road, Pleasant Way, and Richmar Road frontage
 - ii. Public stormwater structural BMPs used for water quality and hydro-modification purposes.

54. The applicant/developer shall maintain all CFD projects as defined by the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Developers shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance.

55. Due to this project being a phased development, a phasing plan shall be submitted to the Development Services Department for review and approval. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all public street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in Phase 1.

56. The subdivider shall submit detailed plans describing activities for the entire phase(s). A Phasing Plan shall be reviewed and approved by the City Engineer and Planning Division Director. The plans shall address, in detail, the following items:

- a. The subdivider shall provide a phasing plan showing uninterrupted utility service (i.e., water, sewer, cable, etc.) for the existing structure located on the northeast corner of the project site. Additionally, the phasing plan shall show phase 2 construction and its

continued safe access for phase 1 residents and retail business.

- b. Prove that, all conditions of prior phase have been satisfactorily completed or addressed per phase.
- c. The subdivider 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.
- d. The Water Quality Improvement Plans (WQIP), approved as part of the grading plans, shall address the Best Management Practices (BMP's) to be utilized for each phase of development. The WQIP shall include an overview of project phasing that shows each project phase, prior to activation of the area for use in accordance with Order R9-2013-0001, that 100% of the impervious area for that phase will be treated and retained to meet water quality and hydro-modification requirements.

57. If export or import material is required, a truck haul route shall be obtained thru the City prior to hauling.
58. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this site plan.
59. 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.
60. A detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising there from shall be submitted in the form of a report.
61. The subdivider shall depict on the grading plans temporary construction fencing between development areas during the grading and construction phases of the project.
62. 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.
63. 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.
64. 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.
65. 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.
66. Line of sight easements, if necessary, shall be delineated on all grading plans and improvement plans and recorded per separate document 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.
67. Erosion control and/or sediment control details shall be submitted as part of the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances and the current SWRCB General Construction

Permit (GCP), as applicable. The details shall include landscaping and temporary irrigation systems on exposed slopes to achieve the General Construction Permit required coverage criteria, and for acceptance by the City's Engineering and Planning Divisions.

68. 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.
69. 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.
70. A drainage study (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, water quality, hydro-modification, and drainage structures shall be sized for build-out according to the approved drainage study. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site 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.
71. The 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.
72. The drainage study shall include a separate BMP section with all calculations and modeling files, data and assumptions to mitigate for water quality and hydro-modification effects in accordance with Order R9 2013-0001, from June 27, 2013 to December 24, 2015. The design standard is the January 14, 2011 City of San Marcos 5USMP. After December 24, 2015, a new water quality and hydro-modification mitigation design standard goes into effect for projects that have not secured a grading permit and commenced site work.
73. 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, water quality/hydro-modification mitigation facilities (LID, site design, permeable pavers, etc.), and infiltration rates where water quality/hydro-modification mitigation facilities are proposed. Said study shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering Division. Recommendations of the Civil and/or Geotechnical Engineer shall be implemented at the time of development of any lot.
74. The subdivider shall submit Water Quality Improvement Plans (WQIP) and calculations that will include Water Quality Treatment, Hydro-modification, Site Design, Source Control, Treatment Control, Volume Control, Permeable Pavement BMPs, 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. R9-2013-0001 or current Municipal Storm Water Sewer System (MS4) Permit. Low Impact Development standards and Hydro-modification requirements will be applicable. The WQIP shall address the Best Management Practices (BMP's) to be utilized. The applicant is required to demonstrate numeric compliance with Order R992013-0001 in accordance to the effective design standard. Said WQIP shall be prepared by a registered civil engineer with required supporting calculations included as appendices in the drainage study, all to the satisfaction of the City Engineer.

75. The WQIP shall be submitted as part of the grading plans to the City's Engineering Division for review and approval. Prior to final approval of the grading plans, the grading plans shall be reviewed by the City for substantial conformance with the approved WQIP. The subdivider 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.
76. The WQIP shall identify affected and 303(d) receiving water bodies, applicable water-quality objectives, total maximum daily loads (TMDLS), pollutants of concern for the project type, and estimates for post-construction discharge rates (with all BMPs in place), and demonstrate that the project pollutant loads will be treated in accordance with Order R9 2013-001 or current MS4 permit and will not cause a violation of the water quality objectives. The structural treatment and hydro-modification controls shall remove project pollutants anticipated to be generated by the project for the benefit of downstream impaired water bodies listed by the SWRCB 303(d) to a medium removal efficiency or better for the pollutants of concern.
77. 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, landscape plans, and building plans shall be reviewed by the City for substantial conformance with the WQIP.
78. A Water Quality Maintenance Agreement 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/hydro-modification facilities and operations & maintenance. Said Agreement shall also address maintenance of the BMP's if project delays or abandonment occurs until the site has reached stabilization in accordance with the City's requirements and the General Construction Permit requirements and filed a Notice of Termination with the SDRWQCB with proof of acceptance by the SDRWQCB.
79. The applicant/developer shall submit to the City for review and approval a BMP sheet(s) 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. R9-2013-0001. Said plan shall be a separate sheet incorporated into the grading plan set. Each 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

80. A unique BMP ID number shall be assigned by the City and shall be shown on the BMP sheet(s).

81. All 100% of on-site drainage shall be treated on site in accordance with San Diego Regional Water Quality Control Board (SDRWQCB) Order R9 20013-0001 requirements and the City's SUSMP effective at the time of grading permit issuance. The drainage shall be treated onsite prior to entering public right-of-way. On-site yard drains and any pertinent structures shall be constructed in accordance with City standards and privately maintained.

82. Per Order R9 2013-0001 no irrigation runoff is allowed into the City MS4 system from existing or new development. Landscape shall be designed to retain all irrigation onsite and not enter the City MS4 system, per the City of San Marcos' Municipal Code, Water Efficient Landscape Ordinance.

83. All permanent Best Management Practices (BMPs) per the approved grading plan WQIP shall also be shown on the landscape plans. The landscape architect shall sign the landscape plans certifying that the proposed landscape design complies with the requirements of the WQIP and Order R9 2013-0001.

84. The subdivider shall have a Qualified SWPPP Designer (QSD) prepare a Stormwater Pollution Prevention Plan (SWPPP) per the latest CASQA or Caltrans template/standards. The subdivider shall submit for City the SWRCB WDID#, all Permit Registration Documents (PRDs), and the SWPPP in accordance with the current State Water Resources Control Board (SWRCB) General Construction Permit (GCP) 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 also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction.

85. The subdivider 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.

86. Prior to grading permit issuance, 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. A copy of the permit shall be kept onsite at all times, including records of all laboratory analyses and updates. The developer shall notify the City Storm Water Program Manager forty-five (45) days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the approved WQIP shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City.

87. All construction and grading related BMPs, as well as post construction BMPs, shall be shown in detail on the construction plans submitted to the City for review and approval.
88. 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.
89. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure ongoing long-term maintenance of all post-construction Best Management Practices (BMPs).
90. The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing residences and other accessories structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and to provide recommendations for proper removal of said materials prior to demolition. In addition, structures shall be inspected for lead-based painted materials, and provide recommendations for proper disposal. 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
91. 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
92. Under separate permit, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:
 - a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect.
 - b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
 - c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the

backflow device, and stainless steel controller cabinet if within public view. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards); and method of installation and irrigation.

- d. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Water Quality Technical Report.
- e. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division and/or Landscape District Supervisor for plant quality and compliance with minimum size requirements. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division and/or Landscape District Supervisor. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

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

1. 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.
2. All grading shall be supervised by a Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
3. The 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.
4. This project is subject to payment of the public facilities fee established by San Marcos Ordinance No. 99-5197 and Resolution 99-5797. The amount of the fee shall be determined based upon the fees in effect at the time of issuance for each building permit for construction within this project.
5. The base lift of asphalt on all roads serving the area under construction shall be completed.
6. Buildings and structures shall be designed to conform to the latest standards adopted by the State of California in the California Building Code, Part 2, Title 24, and California Code of Regulations.
7. Building plans and instruments of service shall be signed and sealed by a California

licensed design professional as required by the State Business and Professions Code.

8. 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.
9. The proposed development shall comply with Federal Law, American with Disabilities Act (ADA-90), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
10. The proposed new development is subject to the approval of the Vallecitos Water District and Vista Irrigation District. All applicable fees and charges shall be paid prior to permit issuance.
11. Due to this project being a phased development, a phasing plan shall be submitted to the Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in Phase 1. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
12. 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.
13. The subdivider shall obtain sewer connection permits from the Vallecitos Water District.
14. 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.
15. All grading shall be supervised by a Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
16. 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.
17. 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.
18. Parking and driveway areas shall be surfaced with Asphaltic Concrete (AC) or Portland

Cement Concrete (PCC) over a prepared base. Porous pavers or other approved alternative shall be used in designed onsite parking areas, as approved by the City Engineer.

19. Six (6) inch high Portland Cement Concrete (PCC) curbing shall be installed separating all paved areas from all landscaped areas, unless curb cuts or at-grade curbs are utilized to accommodate water quality objectives, as approved by the City Engineer. Where curbing may conflict with vehicle turning movements, corner cutoffs or radii shall be provided as required by the Fire Department.
20. Annexation proceedings for the formation of the Special Improvement Area with respect to Community Facility District 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance) shall have been completed.

K. 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. The applicant/developer shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
3. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
4. 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.
5. 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.
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 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.
7. 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.

8. 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.
9. 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 Stormwater 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 and SWRCB. 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.
10. The applicant/developer shall ensure that the grading and other construction activities meet the provisions specified in the SDRWQCB Order No. R9-2013-0001 and the SWRCB GCP.
11. 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.
12. 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.
13. The applicant/developer shall minimize exposure time of disturbed soil areas.
14. Landscaping of slopes shall commence at time of completion of grading activities.
15. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.
16. 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.
17. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
18. Water wells shall be reconstructed or abated in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the latest adopted State Water Code.

19. 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.
20. 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. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
21. All ground disturbing activities shall be monitored by a qualified archaeologist and Native American monitor, and the archaeologist and Native American monitor must be present at all preconstruction meetings. In the event that buried archaeological resources are exposed during ground disturbing activities, the archaeologist and Native American monitor shall have the authority to halt and redirect ground disturbing activity until the significance of the find can be determined by both monitors. If the discovered archaeological resources display the potential to be significant, the archaeologist shall notify the City of San Marcos immediately. If a significant resource and/or unique archaeological resource is discovered, then avoidance measures shall be recommended to and considered by the City of San Marcos. If avoidance measures are determined by the City of San Marcos not be feasible, then the San Luis Rey Band of Mission Indians shall be consulted regarding non-avoidance measures. At the completion of the activity that requires an archaeological monitor, the archaeological monitor shall submit a monitoring report including a daily log of all monitoring activity to the City of San Marcos.

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

1. 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 Subdivision Improvement Agreement for this project.
2. Mission Road shall be constructed to half width four (4) lane secondary arterial street standards with, but not limited to, a right-in/right-out ingress/egress into the project with proper signage and use of a driveway port cohp, a meandering sidewalk and utilities, C.U. Soils (or equivalent)/Trees, and LED pedestrian/street lighting. Moreover, the meandering sidewalk and utility placements may extend outside the public right-of-way thereby requiring easements. All shall be to the satisfaction of the Planning Director and City Engineer.
3. Pleasant Way, north of the proposed driveway, shall be constructed to accommodate a twenty-four (24) foot curb to curb width (measured from the easterly curb) for a two-way travel lane, diagonal parking, an eight to ten (8-10) foot urban trail and a general utilities corridor, C.U. Soils (or equivalent)/Trees, and LED pedestrian/street lighting. 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". Additionally, street striping and signage shall be modified to convert the one-way, northbound, street configuration into a two-way street. Moreover, the sidewalk and utility placements may extend outside the

public right-of-way thereby requiring easements. All required pavement sections shall be completed as required. All shall be as approved by the City Engineer.

4. Pleasant Way, south of the proposed driveway, shall be constructed to accommodate a twenty-four (24) foot curb to curb width (measured from the easterly curb) for a two-way travel lane, a meandering sidewalk and utilities, C.U. Soils (or equivalent)/Trees, and LED pedestrian/street lighting, with a minimum twenty-one (21) foot depth for a public pedestrian and general utility corridor between the face of curb and buildings, as approved by the City Engineer. 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". Additionally, street striping and signage shall be modified to convert the one-way, northbound, street configuration into a two-way street. Moreover, the sidewalk and utility placements may extend outside the public right-of-way thereby requiring easements. All required pavement sections shall be completed as required. All shall be as approved by the City Engineer.
5. Richmar Road shall be constructed to half width modified residential street standards to include the ten (10) foot urban trail, C.U. Soils (or equivalent)/Trees, LED pedestrian/street lighting. Additionally, the general utility easement shall be constructed as approved by the City Engineer.
6. Mission Road, Pleasant Way, and Richmar Road, shall be seal coated (Type II), with replacement striping from centerline to frontage curb along the project frontage, per the excavation ordinance and as approved by the City Engineer.
7. All encroachments into the public right-of-way as established via the encroachment easement and maintenance agreement as approved by the City Engineer and City Attorney, shall be recorded.
8. All retaining walls shall be constructed as approved by the City Engineer. Additional landscaping shall be installed where deemed appropriate.
9. A light emitting diode lighting system for pedestrian and street lighting shall be installed as specified by the City Engineer. All installations shall be compliant with the City's Street Lighting Standards.
10. 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.
11. The applicant/developer shall pay for and install all street name signs and/or 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.
12. "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.

13. 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.
14. The applicant/developer shall submit for City review and approval, plans showing source control BMPs in place and a certified letter noting the implementation plans for said BMPs.
15. All water quality BMP's shall be inspected and approved by the Public Works Director.
16. 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.
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 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.
19. All slopes and landscaping shall be completed, inspected, and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.
20. The applicant/developer shall submit a letter(s) by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Improvement Plans, respectively.
21. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles. Fire hydrants as shown on the improvement plans shall be installed prior to occupancy.
22. Fire Hydrants, turnarounds, hammerheads, access driveways, and gates shall be constructed to the satisfaction of the Fire Marshal.
23. 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.
24. Improvement plans shall include Traffic Calming measures to the satisfaction of the City Engineer.
25. All light emitting diode for the public and private street lighting system shall be installed as

shown on the street improvement plans and at locations as specified by the City Engineer.

26. The applicant/developer shall install/construct all Water Quality Treatment, Hydro-modification, Site Design, Source Control, Treatment Control, Volume Control, Permeable Pavement BMPs, and LID as depicted on the Water Quality Improvement Plans, as approved by the City Engineer.
27. The construction of all private streets and/or drainage systems for this project shall be as 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.
28. The applicant/developer shall construct all proposed storm drain outfalls so as to not introduce adverse impacts to the downstream properties.
29. All water quality and hydro-modification facilities intended to treat onsite and offsite improvements must be installed prior to occupancy, for each phase.
30. The applicant/developer shall submit for City review and approval, plans showing source control BMPs in place and a certified letter noting the implementation plans for said BMPs.
31. 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.
32. No irrigation runoff shall occur from landscape areas of the project site in accordance with Order R9 2013-0001.
33. 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 with water quality/hydromodification mitigation calculation and modeling, General Construction PRDs (NOI, COI, SWPPP, NOT) Water Quality Improvement Plans, recorded Maintenance Agreement for water quality/hydro-modification mitigation facilities, structural calculations, title report and guarantee, etc.) shall be submitted on a CD. A Mylar of the map, after recordation is also required
34. The Property Management is required to provide written notification to the City when they assume water quality BMP maintenance responsibilities from the Developer.
35. The applicant/developer shall maintain all CFD projects as defined by the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Developers shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance.
36. The applicant/developer shall ensure that prospective purchasers sign an assessment disclosure statement fully explaining the fact they are in the City's Mello Community

Facilities Districts. The disclosure shall indicate what the projected assessments are anticipated to be, both in the near future and at ultimate subdivision build out. A copy of the disclosure shall be provided to the City's Planning Division.

37. 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, Water Quality Technical Report, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. A Mylar of the map, after recordation is also required.

M. The applicant 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. All conditions identified in the project's Specific Plan (SP13-002/PC 14-4400), Multi-family Site Development Plan (MFSDP 13-001/PC 14-4401) and Site Development Plan (SDP 13-003/PC 14-4402) shall also be complied with.

O. 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.

P. The Developer/Applicant shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.

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

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 28th day of April, 2014, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION