

RESOLUTION PC 14-4402

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION
RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR A SITE
DEVELOPMENT PLAN ALLOWING THE CONSTRUCTION OF A MIXED USE
BUILDING "A" CONSISTING OF 7,000 SQUARE FEET WITHIN THE EL
DORADO II SPECIFIC PLAN LOCATED IN THE RICHMAR NEIGHBORHOOD

CASE NO.: SDP 13-003
El Dorado II, LP

WHEREAS, an application was received from El Dorado II, LP requesting a Site Development Plan to allow construction Building "A" consisting of 7,000 square feet of commercial within the El Dorado II Specific Plan located in the Richmar Neighborhood, more particularly described as:

LOT 1, BLOCK NUMBER 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

APN's: 220-100—08-10,12, 14, 29, 56, 59, 62-64, 66, & 67

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

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

WHEREAS, the Planning Commission did recommend certification to the City Council of Mitigated Negative Declaration (MND 13-009) with a mitigation Monitoring Plan and Reporting Program pursuant to CEQA;

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

1. With the proposed conditions, the proposed project will not be detrimental to, impactive upon, or incompatible with surrounding existing land uses or the public health, safety, or welfare in that the proposed mixed use project will comply with all conditions stated in the resolutions approving the General Plan Amendment, Specific Plan and the Multi-family Site Development Plan and all mitigation measures as defined in MND 13-009.

2. The proposed project complies with the objectives of the El Dorado II Specific Plan, in that the proposed project will not adversely affect the implementation of the General Plan, the community, the surrounding neighborhood or environment whereby adding new guidelines and policies ensuring that a mixed use project would be deemed compatible with adjacent uses.

NOW THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. Mitigated Negative Declaration (MND 13-009) with Mitigation Monitoring Plan and Reporting Program is hereby recommended for certification to the City Council.
3. The Planning Commission approves the proposed project subject to the following conditions:
 - A. Prior to submittal of building plans whichever comes first:
 - (1) Revised site plan, landscape plans and architectural elevations shall be modified to reflect the conditions of this approving resolution and mitigation measures and submitted to the Planning Division for review and approval.
 - (2) The revised site plan, preliminary landscaping plan, architectural elevations, floor plan, etc., shall be submitted as a digital disk including copies of all related resolutions 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 City Council Resolution for SDP 13-003." 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 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.
 - (3) The site plan is approved subject to the following changes which shall be made to the site plan prior to acceptance of working drawings for building permits:
 - a. The proposed building must maintain a minimum five-foot clearance from the underground storm drain.
 - b. Entrances to this site off of public streets shall be defined with enhanced hardscape located outside of the ultimate right-of-way. Flatwork materials shall be consistent with the El Dorado II Specific Plan and approved by the City.
 - c. The site plan shall define the area referred to as the pedestrian promenade along the frontage of both public and private streets. The design shall include the designated street furniture with specification, pedestrian plaza's, enhanced landscaping and other details as defined per the El Dorado II

Specific Plan. Prior to issuance of the grading plan a design shall be submitted for final review identifying all details such as flat work, street furniture, pedestrian lighting, retaining walls, bus stop details (if applicable) and any miscellaneous design items as required by the El Dorado II Specific Plan.

- d. Prohibit above ground utility furniture within any of the pedestrian promenade and street frontage areas. Utilities shall not be placed between buildings and parking areas. All utilities are to be located within utility closets next to parking areas within the building or out of public view and must be approved by the City of San Marcos Planning Division. The developer shall be responsible to contact the applicable utility agencies in advance to coordinate the above utilities prior to approval of the final street improvement plans for both public & private street frontages and prior to submittal of building permits.
- e. Modify the site plan to reflect a 21 foot minimum building setback along Mission Road measured from the furthest projecting building face to the face of curb.

(4) The following changes shall be made to the retail architecture of the project prior to acceptance of working drawings for building permits:

- a. Provide a variation in the building material finishes for the retail façade versus the residential façade.
- b. Ground floor retail shall have a minimum height of 13'-6" feet from finish pad.
- c. Modify the design referring to the proposed fiber cement horizontal siding with an alternative material pending final review and approval by the Planning Director.
- d. Venting for future restaurants shall be constructed within the wall up towards the roof. Any exposed venting on the roof shall be architecturally screened to the satisfaction of the Planning Director.
- e. Gutters and downspouts shall be concealed into the framework of the construction or painted to match exterior color of building.
- f. Reflective glass, rustic veneers, thin post, rough sawn wood, wood fences shall be prohibited.
- g. All trash enclosure for retail suites shall be located away from the public plaza, sidewalks, and streets. Trash enclosures shall be designed with similar architectural treatment as the main buildings.
- h. The materials board shall be modified for the retail facades as follows:
 - i. Applicant shall submit separate material samples for the retail versus the residential apartment facades. New samples shall consist of slate, stone, tile, and brick veneer which shall be submitted to the Planning Director for review and approval.

- i. Provide a design alternative for the awnings/canopy/eyebrows on the retail elevations subject to final review and approval by the Planning Director.
 - j. Applicant shall submit an exterior lighting to demonstrate application of architecturally lighting subject to final review and approval by Planning Director.
- (5) The architectural changes relating to the apartment units is addressed in the MFSDP 13-001 per resolution PC 14-4401.
- (6) The developer shall hire a California licensed landscape architect, who shall be responsible for preparing the plans to be submitted to the City for review and approval. The architect shall create two separate landscape plans:
 - a. There shall be a separate landscape plan shall address all design criteria for all CFD landscape areas and for private landscape areas.
 - b. Each landscape plan shall also address independently all hardscape design and stormwater treatment.
 - c. All plans above are subject to final review and approval by Developmental Services.
- (7) The Landscape Plans shall be modified and are approved subject to the following changes:
 - a. The landscape plans shall comply with the City's adopted water efficiency landscape ordinance.
 - b. All trees along public frontage (i.e., paseo, & plaza) shall consist of 36 inch box.
 - c. Define all tree heights and canopy spread for the project at time of installation. No trees shall be planted in the utility easements. The landscape professional shall indicate on his plans that there shall be adequate root barriers installed to prevent damage to hardscape and underground utilities.
 - d. Additional changes may be required by Development Services Department pending final review of landscape plans.
 - e. The final project landscape and architectural design shall comply with the El Dorado Specific Plan.
 - f. A note shall be added to plans stating the additional landscape screening may be required in areas (such as loading, trash enclosures, garage doors, etc.) as deemed necessary by the Planning Director prior to occupancy.
 - g. Landscape materials shall be carefully placed to prohibit vehicular headlights in parking lot areas and internal streets from projecting off-site to avoid impacting adjacent properties.
 - h. Street trees, consisting of mature trees (36" specimens) shall be planted at 30 feet on center along the paseo and will be required to be planted within 48 inch iron tree grates along Mission Road, Pleasant Way, and Richmar Avenue.

- i. All driveways shall consist of enhanced entries. The enhanced pavement design shall be located outside of the city right of way. Final design will include an integral color surface and/or pavement as approved by the Planning Director.
- B. Prior to construction, a final landscaping and irrigation plans shall be submitted for review and final approval by the City. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate (cost of materials and installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection.
- C. Maintenance of private open space areas and slopes shall be the responsibility of property owner/developer. All remaining open space lots and slopes that the City agrees to maintain must comply with City's slope criteria for maintenance by the Landscaping and Lighting District, including access (maintenance & fire protection), benching and terrace/drainage requirements as set forth per the City's Grading Ordinance. Prior to issuance of a building permit, an exhibit shall be submitted delineating all CFD areas to be agreed upon by the City.
- D. 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.
- E. No engineering permit shall be construed as providing exemption to applicable or adopted standards. Any changes or modifications to City adopted, obligatory, or conditioned standards shall not occur without the explicit permission of the City Engineer or his designee. Where these standards are in conflict Developer/Applicant shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this project or issuance of an engineering permit.
- F. No engineering permit shall be construed as providing exemption to applicable or adopted standards. Any changes or modifications to City adopted, obligatory, or conditioned standards shall not occur without the explicit permission of the City Engineer or his designee. Where these standards are in conflict Developer/Applicant shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this project or issuance of an engineering permit.
- G. Acceptance of these conditions does not exempt developer/applicant from conditions imposed by any prior entitlement for the use of the property.
- H. Prior to issuance of building permit, this project will require an encroachment permit for the purposes of awnings, and overhangs outdoor seating areas and any other appertain uses provided by the development.

- I. The alignment and terminal point of storm drains and roadways shown on any tentative map, site plan, or other exhibit approved as a part of this project shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.
- J. The Applicant/Developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the Applicant/Developers responsibility to determine all agencies with rights of approval for the proposed development
- K. Prior to issuance of a building permit, individual open garages shall be design with a minimum interior dimension of 9' x 18' space for a single-car stall. All parking stalls shall be free and clear of any obstructions. There shall be no storage space within the open garage stall space. Development will be allowed up to 20% compact space with a dimension 8'-6" wide x 16' deep.
- L. Applicant/developer shall incorporate into the site plan a designated location for electrical charging parking spaces pending finding review and approval by Development Services.
- M. All retaining walls greater than 5 feet in height shall be constructed of keystone block walls or split faced textured concrete block. Walls shall be treated with landscaping, and be reviewed and approved by the Planning Director. Structural design of said walls shall be approved by the City Engineer.
- N. Prior to demolition of structure, the following conditions shall be complied with:
 - (1) The City will require documentation of hazardous waste release prior to any activity on-site.
 - (2) Prior to any demolition of existing structures or improvements on the site, a hazardous building materials survey focusing on asbestos containing materials, lead-based paint, and other typical hazardous material shall be required. In the event that such hazardous materials are identified during the building material survey, proper abatement and disposal shall occur by a state-licensed abatement contractor.
- O. Prior to issuance of any grading permit the following conditions shall be complied with:
 - (1) The Specific Plan shall be modified per the errata sheet.
 - (2) Developer will be required to contact the County Health Department and any other regulatory agency and acquiring all necessary permits or clearance prior to construction of the proposed project.
 - (3) Developer will be responsible to design the hardscape, irrigation and landscape within the private street medians.
 - (4) Identify on the approved grading plan all full size parking, compact parking, and approved street parking. The approved Phasing Plan will also be

referenced and grading plans will identify all areas that need to be graded to satisfy parking demand per phase.

- (5) Prior to submittal of building permits, the site plan, architectural elevations, and landscape plan shall be modified and approved by the City.
- (6) Water wells shall be abated or reconstructed in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the State Water Code.
- (7) Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
- (8) The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property.
- (9) 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. This may require the developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
- (10) A final hydrology and drainage report shall be prepared for the proposed project modifying the preliminary report to reflect the final design as shown on all plans. The report shall also include all water quality and hydromodification calculations demonstrating compliance with the latest Regional Water Quality Control Board Orders.
- (11) The design of all private drive isles for this project shall be approved by the City Engineer. The structural section of all drive isles shall be designed sufficient to accommodate a fully loaded fire truck.
- (12) The 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.
- (13) The 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 Subdivision Improvement Agreement.
- (14) 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.

- (15) The 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 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

- (16) The developer shall submit proof of coverage under the State Water Resources Control Board General Construction Permit.
- (17) Drainage easement, public access, municipal use, emergency access, and any other required easement for the function of the private and public improvements shall be in place. The layout and sizing of the publicly offered easements shall be shown on the grading plans and approved by the City Engineer.
- (18) The 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/keystone or comparable walls shall be designed to the satisfaction of the City Engineer.
- (19) The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos prior to approval of any grading or building permit.
- (20) A certified archaeologist will be present at the field during all grading and construction activities. A pre-excavation agreement with the San Luis Rey Band of Mission Indians and any other applicable Indian tribes.
- (21) The developer shall obtain the appropriate permits and clearance from the U.S. Army Corps of Engineers and/or U.S. Fish and Wildlife Service, and the State Department of Fish and Game.
- (22) The developer 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. Said landscaping plan shall be approved by the City prior to issuance of building permit.
- (23) A Soil Management Plan shall be prepared and submitted to the SD-RWQCB for review and concurrence prior to the commencement of mass grading operations. The plan will describe contingency protocols in the event that significantly impacted soil requiring special handling, segregation and off-site disposal is discovered during future construction work.
- (24) A final hydrology and drainage report shall be prepared for the proposed project modifying the preliminary report to reflect the final design as shown on all plans. The report shall also include all water quality and hydromodification calculations demonstrating compliance with the latest Regional Water Quality Control Board Orders.
- (25) The design of all private drive isles for this project shall be approved by the City Engineer. The structural section of all drive isles shall be designed sufficient to accommodate a fully loaded fire truck.
- (26) The developer shall submit proof of coverage under the State Water Resources Control Board General Construction Permit.
- (27) The developer shall enter into a water quality maintenance agreement. Such agreement shall be recorded and give access and lien rights to the City in the event the development does not maintain its storm water treatment control best management practices or hydromodification devices.
- (28) The developer shall prepare Water Quality Improvement Plans ("WQIP") which summarize all water quality and hydromodification requirements and demonstrate permit compliance. The form and content of the WQIP shall be to the satisfaction of the Storm Water Manager and City Engineer.
- (29) The revised site plan, preliminary landscaping plan, architectural elevations, floor plan, etc., they shall be submitted on a disc along with 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 City Council Resolution for SDP 13-003." 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 Engineer shall also appear on this title page.
- (30) All approved and identified reciprocal parking and vehicular/pedestrian access shall be identified on the grading plans.
- (31) Owner/Developer will review the site and determine which areas require soil remediation in accordance with the RWQCB requirements. Once demolition has occurred and testing reveals what areas need to be remediated on site, the Owner/Developer shall submit a plan to the City showing the areas. The City shall allow for minor grading operations to commence only in relation to the cleanup of materials as necessary under the guidelines set forth in the RWQCB approved corrective action plan. Should the submitted plan show that significant grading is required, the Owner/Developer shall submit a rough grading plan for review and approval to the City.

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

- (1) All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate the undergrounding of all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Director. The developer shall be responsible for acquiring all associated easements required by the utility companies for such work.
- (2) The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along streets abutting the project shall be placed outside of the ultimate right-of-way to avoid reconstruction or modification of same. The City may require additional easements to place any above ground utility further into the site.
- (3) All necessary public right-of-way and easements shall have been granted to the City.
- (4) The developer shall submit plans and specifications for improvement of all streets, rights-of-way inclusive of landscaping and irrigation, and drainage facilities to the City of San Marcos 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.
- (5) Pleasant Way shall be designed to accommodate angled parking consistent with the approved site plan. All final location, quantity, and alignments of such parking shall be approved at the discretion of the City Engineer and Planning Division Director.
- (6) Any proposed design must be to the satisfaction of the City Engineer.
- (7) The exact depth of street structural section and sub-grade 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
- (8) Bicycle parking facilities located within the public Right-of-Way or on City Property shall be called out and specified in the improvement and landscape plans. The locations of the bicycle parking facilities and access paths and locations shall be consistent with the approved site plan.
- (9) A light emitting diode ("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 installations shall be compliant with the City's Street Lighting Standards.
- (10) Improvement plans shall show all existing and proposed drainage facilities including surface and subsurface construction. All drainage channels shall be lined with a suitable material as approved by the City Engineer. All

required drainage easements shall be monumented along the boundaries as approved by the City Engineer. Access easements shall be provided where necessary and shall be improved, fenced and aligned to the satisfaction of the City Engineer and/or the Director of Public Works.

- (11) The exact alignment, width and design of all 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.
- (12) The developer shall dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions. 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.
- (13) The 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.

Q. Prior to the acceptance of any public improvements, the following conditions will be complied with:

- 1) An as-built hydrology report shall be submitted reflecting any changes to the drainage design as a result of field or construction changes that have occurred.
- 2) An As-built geotechnical report shall be submitted reflecting actual soil conditions encountered during the construction process and the soil preparation techniques used on any unforeseen geologic formations.
- 3) Landscape maintenance for publicly dedicated open space, multi trail systems, and parks shall be accomplished by the developer or homeowners association for a minimum period of two (2) years, which may be extended, until such time as accepted into the Landscaping, Lighting, Open Space and Preserve Maintenance District. Prior to acceptance by the City, the developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for ongoing maintenance.
- 4) The final lift of asphalt on all roads serving the area under construction shall be completed. Any roads finished to their final elevation and/or wearing surface and marred, damaged or overly oxidized during construction shall be slurry sealed and restriped to restore the roadways integrity.
- 5) The 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 date of acceptance by the City Engineer.
- 6) The 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. In-lieu of this maintenance the developer shall provide a lump sum payment for the maintenance two year maintenance cost of CFD facilities abutting the project.
- 7) The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition. All cultural materials that are collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site, with the exception of sacred items, burial goods, and human remains which will be addressed in the Treatment Agreement required in MM-CR-3, shall be tribally curated according to the current professional repository standards by the Tribes. The collections and associated records shall be transferred, including title, to the Tribe's curation facility which will meet the standards set forth in 35 CFR Part 79 for federal repositories.
 - 8) All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
 - 9) If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in MM-CR-3.
 - 10) If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the project archaeologist, and the Tribe shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.
 - 11) The 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 date of acceptance by the City Engineer.
 - 12) The 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.

- 13) The 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 developer and approved by the City Engineer and the Director of Public Works.
- 14) "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.

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

- (1) The applicant shall obtain "will serve" letters from all affected public service and utilities agencies prior to issuance of a building permit.
- (2) A comprehensive sign program for the project shall be submitted by a sign consultant to the Planning Division for review and approval prior to any construction.
- (3) Submit building elevations consistent with the revised approved elevations for review and approval by the Planning Division as stipulated in the Specific Plan Resolution PC 13-4400 and the SDP Resolution 13-4402.
- (4) All mechanical roof equipment shall be architecturally screened from local streets and adjacent off-site developments. Equipment shall be clearly identified on plans and placed behind parapet. Any freestanding equipment will require architecturally enhanced screening to be reviewed and approved prior to installation. Applicant will be required to establish a meeting in field prior to installation of mechanical equipment to determine if there is adequate screening.
- (5) This development is subject to the payment of school mitigation as required by law.
- (6) The design of common areas shall comply with Federal Law, ADA 90, and State Law, Title 24, California Code of Regulations, for accessibility standards for new construction.
- (7) The design of buildings and structures shall comply with the latest adopted edition of the Uniform Building Code and other State adopted model codes.
- (8) Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten crime prevention measures includes such items as reinforced door jambs, one piece door stops, locking hardware for garage doors and laminated safety glass as required.
- (9) The City of San Marcos is located in Seismic Zone 4. All structures shall be designed to adequately transmit to the foundation the dynamic lateral forces developed in the building in accordance with the engineering requirements of the latest adopted California Building Code and the Uniform Building Code, Volume II. As adopted by the city of San Marcos.

- (10) Plans and construction documents submitted for a building permit shall be designed and seal/signed by a California licensed design professional as required by the latest Business and Professions Code.
- (11) This project is subject to the payment of a landscape permit fee and an inspection fee. The landscape permit fee shall be two percent (2%) of the Landscape professional estimate for the completion of all landscaping shown on approved mylars. The landscape inspection fee shall be two and one-half percent (2.5%) of the Landscape professional's estimate. All submitted estimates shall be stamped and signed by the Landscape professional.
- (12) Install fire hydrants at locations approved by the San Marcos Fire Protection District. No structure shall exceed 300 feet from a fire hydrant.
- (13) The Specific Plan landscape standard and project landscape plans will have to address planting on all exposed slopes.
- (14) The 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.

- (15) All structures shall be designed to comply with the latest adopted Uniform Building code, published by the International Conference of Building Officials (ICBO) and with the State of California Building Code, Part 2, Title 24, California Code of Regulations.
- (16) Plans and construction documents submitted for a building permit shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- (17) The design of all structures shall comply with the Uniform Building code, published by the International Conference of Building Officials (ICBO) 1988 edition.
- (18) Construction drawings and design documents for the subdivision shall be prepared and signed by a California licensed architect or engineer in accordance with the requirements of the latest Business and Professions Code.
- (19) 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
- (20) The applicant/developer shall pay school impact mitigation as required by law.
- (21) This project shall pay the latest public facilities fee established by the City. The amount of the fee shall be determined based upon the rates in effect at the time of application for each building permit for construction within this project.
- (22) A phasing plan if different or expanded shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits. The Phasing Plan shall identify the extent of street improvements and the location of buildings and structures for each phase. Utility meters shall not be released until the improvements and the appropriate departments accept conditions of approval for each phase.
- (23) Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the Uniform Plumbing Code.
- (24) All roof drain systems shall be designed for 2 inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge. Interceptor drains shall be installed along the top of all cut slopes as shown on the approved grading plans. Yard drains shall be installed in rear and side yards as shown on the approved plot plans.
- (25) Retail structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten crime prevention measures includes such items as reinforced door jambs, one piece door stops, locking hardware for garage doors and laminated safety glass as required.
- (26) This development is subject to the payment of development fees as required by City Ordinance prior to the issuance of any building permit.
- (27) Trash enclosures shall be design and integrated into the architectural theme and approved by the City.
- (28) The site plan will include an exhibit that provides all parking stall dimensions for standard parking, compact parking, and street parking

stalls.

- (29) If phased development occurs, a phasing plan shall be submitted and approved by the City Engineer and Director of Planning. The phasing plan may be subject to further conditions as described in this resolution. Should the developer/applicant choose to develop phases out of numerical sequence with the approved phasing plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Director of Planning. Other conditions may be imposed by the City Engineer and Director of Planning to allow out-of-phase construction not specified by this resolution.
- (30) All Individual parking spaces shall be designed to a minimum of nine (9) feet wide by eighteen feet (18) feet depth. The depth maybe decreased down to sixteen (16) feet with a two (2) foot overhang when there is allowable curb overhang onto adjacent landscaped areas. Curb overhang maybe allowed adjacent to sidewalks as long as there is a minimum unobstructed sidewalk width of four (4.0) feet. Otherwise, wheel stops shall be installed to prevent vehicles from hanging over the sidewalk.
- (31) 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.
- (32) Building plans shall show all property lines as mapped and include precise grading showing horizontal control on all structures with a minimum of 4 ties to property lines along 3 or more faces of the building.
- (33) 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. Such certification shall be in the form of a signed and stamped letter from the Engineer-of-Work.
- (34) 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.
- (35) 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.
- (36) 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.
- (37) Doorways exiting the structure shall be designed as to not allow the swing of the door to encroach into any public right-of-way.

- (38) The base lift of asphalt on all roads serving the area under construction shall be completed.
- (39) The topsoils and colluviums are considered loose and compressible and not suitable for support of structures or fill in their present condition. Under the direction of the project soils engineer, these soils shall be removed, reworked and compacted during grading prior to construction of the proposed improvements.
- (40) All phases of construction shall comply with the state dewatering restrictions.
- (41) All fire lanes shall be shown on Building Plans to the satisfaction of the Fire Marshall.

S. During construction of any phase of the project, the following conditions shall be complied with:

- (1) During grading activities an archeological monitor and a Native American monitor shall be present during the earth moving grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected as directed by the Most Likely Decedent (MLD) and the Archeological monitor in consultation with the City of San Marcos. In the event that any previously undetected cultural resources are encountered, all work shall cease in the vicinity of the discovery and a qualified archaeologist shall evaluate the discoveries to determine if additional archaeological work is needed.
- (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. No street shall be closed without advanced notice to the surrounding businesses and residents to the satisfaction of the City Engineer.
- (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. Any subsequent phase or area not developed shall be hydroseeded with a material as approved by the City.
- (5) 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 will result in the issuance of citations. Citations required a mandatory court appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place too insure that hours of work violations will not occur.
- (6) Prior to any construction activity on site, the developer will be required to acquire proper clearance and approval from all utility companies in which relocation of utilities is proposed or required.
- (7) The contractor, permittee, or project owner shall be responsible for continual maintenance of erosion control device as shown on the erosion

control plan or per City standards. The City may revoke the grading permit and any building permit upon written notice to the permittee for noncompliance with the City's Storm Water Management Program. The permits shall not be renewed until the erosion control system complies with City standards.

- (8) The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval.
- (9) The 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.
- (10) 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.
- (11) Hauling of earth over residential streets of developed areas or roadways directly servicing a residential development, shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
- (12) During grading and construction operations, the 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.
- (13) At least one copy of all approved plans, approval letters, and conditions of approval shall be available for review at the job site at all times.
- (14) Large equipment and construction traffic shall not be allowed to park on adjacent residential streets. All construction equipment must remain on-site for the duration of construction. Unless explicitly approved by the Director of Public Works, no construction workers will be allowed to park on surrounding adjacent streets.
- (15) Fire Marshal shall approve emergency access for construction and post-construction phases.
- (16) The 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. No street shall be closed without advanced notice to the surrounding businesses and residents to the satisfaction of the City Engineer.
- (17) Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.
- (18) The developer shall construct desiltation/detention basins and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (November 1 through April 1).

- (19) The earthwork for this subdivision shall balance on-site to prevent hauling of earth over City streets. If the developer can satisfy the City Engineer that balancing the earthwork is not a viable option, then hauling of earth over City streets will be considered. In the latter case, A truck-hauling route shall be submitted to the City for approval. Arrangements shall also be made for structural enhancement, repair or replacement of the affected City streets, to the satisfaction of the City Engineer and the Public Works Director.

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

- (1) The following items shall be addressed and complied with as required by the Fire Department.
 - a. Provide Fire Hydrants 300 feet apart and within 150 feet from farthest part of any buildings. (type Jones 3775 or the equivalent Clow hydrant).
 - b. Minimum 24 foot roads with no parallel parking within the 24' of roadway.
 - c. Building to be fire sprinklered as determined by the Fire Department.
 - d. The building address shall be clearly labeled and readable from the street during the day as well as the night.
- (2) The applicant shall submit certification of completion of landscaping per approved plans including hardscape and streetscape areas.
- (3) All improvements shown on the grading and improvement plans, as approved by the City Engineer, shall be constructed prior to release of any improvement securities.
- (4) Prior to the release of the first occupancy, all improvements shown on the improvement plans or as dictated by these conditions and as approved by the City Engineer, for the development, shall be constructed.
- (5) All open space areas, perimeter fencing, landscaping and open space improvements shall be installed in accordance with approved landscape plans before the City will approve Certificates of Occupancy.
- (6) Buildings or structures shall not be used or occupied until the City or appropriate agencies have accepted the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the project improvements have been accepted and all the project conditions have been satisfied.
- (7) All building on this project site shall be equipped with fire suppression systems and fire protection (i.e. hydrants standpipes and fire) as approved by the Fire Marshal.
- (8) All building accesses shall be approved by the Fire Department.
- (9) An automatic fire extinguishing system shall be installed for the proposed building in accordance with the latest adopted Uniform Building Code and the National Fire Protection Association standards as approved by the Fire Marshal.
- (10) Businesses shall be equipped with alarm system, etc. (silent or audible).
- (11) Address numbers shall be illuminated during the hours of darkness and positioned so as to be easily readable from the street. Numbers shall be a minimum height of 12" and in a font color that clearly contrasts with their background.
- (12) Affix rooftop addressing for the Sheriff's helicopter, minimum size of 1

foot by 4 feet.

- (13) Mixed Use retail with different areas shall have clearly marked doors with numbers corresponding to the alarm zones. The identification of alarm zone coverage areas will assist responding deputies and security units in rapid identification of involved locations and safe apprehension of criminals.
- (14) All glass doors shall be secured with dead bolt lock.
- (15) Windows accessible from the side and rear, and not viewable from the street, shall consist of rated burglary resistant glazing or its equivalent. The type of glazing recommended is the lock wrap that attaches to the frame.
- (16) Large store/business display windows shall consist of burglary resistant glazing or its equivalent.
- (17) If there is an exterior roof top ladder, it shall be eliminated (or the plan redesigned so it is moved into the building's interior) to deny easy rooftop access for criminals. The ladder should be located within the building's main resident tenant space.
- (18) Monument signs and addresses shall be well lit during darkness.
- (19) Premises, while closed for business after dark, shall be sufficiently lit by use of interior night lights so that patrol cars (or citizens passing by) can observe any persons moving inside or obvious signs of break-in.
- (20) Adequate lighting of parking lots and associated car ports, shipping and receiving areas, driveways, traffic circulation areas, aisles, passageways, recesses, and ground contiguous to buildings shall be provided using energy efficient lighting with sufficient wattage to provide adequate illumination so as to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe, secure environment for all persons, property, and vehicles on site.
- (21) All exterior doors shall have their own light source, which shall adequately illuminate door areas at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building.
- (22) No Trespassing/loitering signs shall be posted at the entrances of parking lots and located in other appropriate places. Signs must be at least 17" x 22" in overall size, with white background and black lettering not less than 1" in height (2" is recommended).
- (23) The developer shall enter into a right of entry agreement for any regular ongoing maintenance activities that requiring access from the public right-of-way. Such activities include but are not limited to window washing and landscape maintenance.
- (24) If applicable, any commercial component of the project the developer shall apply for an encroachment permit for any and all areas that may be used for outdoor seating extending onto city property or right-of-way. Any such encroachment permit shall also address any architectural or signage extensions onto or over public property or right-of-way. No encroachment permit will be issued which reduces clear pedestrian walkway to less than five feet (5').

- U. The applicant shall submit figures to cover the maintenance cost that will be included in the Community Facilities District.

- V. To the extent permitted by law, Applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Site Development Plan; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant/developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Site Development Plan, but shall survive in perpetuity.
- W. This Site Development Plan shall become null and void if not utilized within a twelve (12) month period.
- X. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the Uniform Plumbing Code.
- Y. The proposed development shall comply with Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the proposed construction.
- Z. 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.
- AA. All conditions as stated in the final Resolutions approving the General Plan Amendment (GPA 13-004), Specific Plan (SP 13-002), a Tentative Parcel map (TPM 13-003), Multi-Family Site Development Plan (MFSDP 13-001), Mitigated Negative Declaration (MND 13-009) mitigation measures and Mitigation Monitoring Program are hereby incorporated by reference and shall be complied with.

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