

RESOLUTION PC 25-5156

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION AN AUTOMOTIVE FUELING STATION AS AN ACCESSORY USE AT AN EXISTING COSTCO BUSINESS WAREHOUSE IN THE COMMERCIAL (C) ZONE

CUP23-0004
Costco Wholesale

WHEREAS, on August 29, 2023, the City received an application from Costco Wholesale requesting a Conditional Use Permit to allow the operation of an automotive fueling station as an accessory use at an existing Costco Business Warehouse located at 150 S. Bent Avenue in the Commercial (C) Zone in the Business/Industrial District more particularly described as:

Parcel 2 of Parcel Map No. 18636, in the City of San Marcos, County of San Diego, State of California, according to map thereof filed in the Office of the County Recorder of San Diego County, February 12, 2001, as File No. 2001-0079579 of Official Records.

Assessor's Parcel Number(s): 219-331-43-00; and

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

WHEREAS, the City approved a Site Development Plan (SDP 00-189) on May 23, 2000, for the development of a 144,000 sq. ft. commercial retail building; and

WHEREAS, the City approved a Substantial Conformance Review (SC20-0007) on July 27, 2020, for Costco Business Center Tenant Improvements; and

WHEREAS, the subject property has been annexed into Community Facility District (CFD) 98-01 (Police and Fire) on September 19, 2002, and 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance on March 26, 2002; and

WHEREAS, on October 6, 2025, the Planning Commission did review and consider a Mitigated Negative Declaration (ND25-002) (SCH No. 2025070440) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, on October 6, 2025, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request.

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby approves this Conditional Use Permit per the submitted plans date stamped on December 24, 2024 for the construction and operation of a 16,090 sq. ft. gas station canopy with 18 multi-product fuel dispensers located within the parking lot of an existing Costco Business Warehouse located at 150 S. Bent Avenue, except as modified herein, and subject to compliance with the conditions of approval in Exhibit A attached hereto and incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. The mitigation measures in Mitigated Negative Declaration (ND25-002) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- D. The Planning Commission's decision is based on the following findings and determinations:
 - 1. Approval of the Conditional Use Permit would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood, in that the proposed project complies with all development provisions of the Commercial (C) zone (SMMC 20.220) and development standards for Automotive Services (SMMC 20.420), including parking and automotive fueling stations (SMMC 20.340). Potential impacts relative to traffic, noise, and air quality have been analyzed and demonstrated to not have negative impacts to surrounding land uses. The automotive fueling station has been designed with architectural materials and landscaping to match the existing Costco Business Warehouse on site.
 - 2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan, the purpose and intent of the applicable Zone, in that the proposed automotive fueling station helps to promote a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community (Goal LU-1) and helps to maintain a supportive business climate and a healthy, sustainable economy creating additional employment opportunities (Goal LU-6) because the proposed use complements surrounding commercial development, thereby reinforcing the City's vision for a balanced mix of retail, service, and employment-generating uses.
 - 3. The land use allowed in conjunction with the Conditional Use Permit is compatible with the existing and future land uses of the applicable zone, and the general area in which the proposed use is to be located, in that the automotive fueling station will be added to the project site as an accessory use for the existing Costco Business Warehouse.

4. All requirements of CEQA have been met, in that Mitigated Negative Declaration (ND25-002) has been prepared for the proposed project and all potential impacts related to cultural resources, geology and soils, and tribal cultural resources will be mitigated to a level less than significant.
- E. This Conditional Use Permit is within the scope of the Mitigated Negative Declaration (ND25-002) (SCH No. 2025070440) and the mitigation monitoring and reporting program, and both are hereby adopted pursuant to CEQA.
- F. Within thirty (30) days of the approval of the Conditional Use Permit (CUP23-0004) the approved site plan, architectural elevations, floor plans, and conceptual landscape plan shall be submitted as a digital file on a CD including this resolution number on the title page. The title page shall include the statement “I (we), _____, the applicant/owner(s) or the applicant/owner’s representative, have read, understand and agree to the conditions of Resolution PC 25-5156.” Immediately following this statement shall appear a signature block for the owner or the owner’s representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to submittal of any grading plan, improvement plan, or building permit.
- G. This Conditional Use Permit approval shall lapse and be null and void one (1) year following the date upon which the plans and drawings were approved by the review authority unless prior to the expiration of one (1) year, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- H. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and procedures, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- I. 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, or equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- J. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, 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/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. The 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 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, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 6 day of October, 2025 by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Fatima Rios, Chairperson

ATTEST:

Gina Jackson, Senior Office Specialist

ATTACHMENT(S):

EXHIBIT A – Conditions of Approval

EXHIBIT A
RESOLUTION PC 25-5156
CUP23-0004
Conditions of Approval

A. General Provisions

1. All of the terms, covenants, and conditions contained herein shall run with the land and be binding on and inure to the benefit of the heirs, successors, assigns, and representatives of the applicant/developer as to any and all of the property.
2. If any of the terms, covenants, or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City of San Marcos (City) shall have the right to revoke or modify all approvals herein granted including issuance of building permits, deny, or further condition the subsequent approvals that are derived from the approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or see damages for their violation. The applicant/developer shall be notified ten (10) days in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.
3. The applicant/developer shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, and other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.
4. The proposed new development may be subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
5. The development must comply with the storm water regulations applicable at the time of approval of the corresponding grading permit application.
6. All design requirements and mitigation measures of Mitigated Negative Declaration (ND25-002) (SCH No. 2025070440) shall be implemented.

- B. Prior to issuance of any grading permit, the applicant/developer shall comply with the following conditions.

Land Development Division

1. The applicant/developer shall apply for a public improvement permit compliant with SMMC Chapter 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded

by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.

2. Prior to final engineering plan submittal for Land Development staff review, all final engineering plans shall be prepared using benchmarks from the City of San Marcos Survey Network per Record of Survey 23731. Elevations shall be based on North American Vertical Datum (NAVD) 88.
3. The applicant/developer shall dedicate to the City a pedestrian access easement along Grand Avenue and all other interests in real property required by these conditions and as shown on the conditional use permit. 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.
4. Line of sight shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
5. The applicant/developer shall enter into a Development Improvement Agreement with the City to complete all required public improvements on Grand Avenue, Bent Avenue, and Linda Vista Drive as shown on the approved conditional use permit prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted to and approved by the City in accordance with the SMMC Sections 19.16.070 and 19.16.080.
6. The applicant/developer shall execute and record an Encroachment, Maintenance, and Removal Agreement (EMRA) for the proposed privately maintained storm drain pipe, connection, and appurtenances within the public storm drain easement dedicated per Parcel Map 18636 recorded as file number 2001-0079579.
7. The project boundaries have been reviewed and deemed by the City's Floodplain administrator as falling within the FEMA special flood hazard area. No encroachment of the development shall be allowed within this area unless approved by the City's Floodplain Administrator. The applicant/developer shall design the site to be compliant with the provisions outlined in SMMC Chapter 20.255. For designs not specified by the San Marcos Municipal Code (SMMC), applicant/developer shall seek guidance from the Department of Homeland Security Federal Emergency Management Agency's (DHS-FEMA) technical memoranda on design. The applicant/developer shall bear the full responsibility of complying with floodplain management requirements as well as the processing of any floodplain/floodway re-mapping. When the scope of grading and/or

improvements extends into the special flood hazard area, the applicant/developer shall obtain approval of a Conditional Letter of Map Revision (CLOMR) from FEMA prior issuance of a grading permit. The approximate limits of the Special Flood Hazard Area shall be shown on the grading plan.

8. The applicant/developer shall submit plans and appropriate construction notes for improvement of all streets, right of way and drainage facilities to the City Engineer for approval prior to permit issuance. Plans shall include all off-site improvements as specified by the City Engineer and as shown on the conditional use permit CUP23-0004 including but not limited to:
 - i. Class IV bicycle facility and relocation of existing sidewalk on Grand Avenue from Linda Vista Dr to Bent Ave;
 - ii. A signage and striping plan for Linda Vista Dr, Grand Ave and Bent Ave utilizing Caltrans standards and shall be acceptable to the City Engineer;
 - iii. Class II bicycle facility on Bent Ave; and
 - iv. If applicable, relocation and/or removal of existing above and below ground utility boxes and vaults.
9. The design of all drive aisles, parking lots, and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City standards based on R-value tests. All private 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 approval of the Final Map or Grading Permit issuance.
10. The exact depth of any new or improved drive aisle or parking lot 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" and "Street Excavation Ordinance". Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
11. 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 the City's "Urban Street Design Criteria" in effect at the time of project approval.
12. An in-lieu fee will be required for development of a traffic signal timing plan for the intersection of S Las Posas and Grand Ave, prior to permit issuance. Said fee shall cover 100% of the cost of the design and implementation of the plan including a 25% administration fee. The applicant/developer shall provide up to date traffic counts for those intersections included within the timing plans.
13. 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 installed with this project for a period of eighteen (18) months.

14. If applicable, the applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.
15. 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/developer's responsibility to determine all agencies with rights of approval for the proposed development.
16. 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 2011-01: Congestion Management.

No building 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 CFDs for the establishment of the special taxes. In lieu of annexation, the applicant/developer may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The applicant/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 CFD including, without limitation, requirements for notice and disclosure to future owners and/or residents.

17. The applicant/developer shall post securities to the City, 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 BMP's, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "approved" public improvements within a period to be specified in the Development Improvement Agreement. For grading securities, the City may require 10% of said securities to be in the form of cash.

18. The applicant/developer shall submit an application for a grading permit in accordance with SMMC Chapter 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
19. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising therefrom shall be submitted in the form of a report written by a registered geotechnical engineer or registered engineering geologist.
20. Any vehicle/oil runoff shall be captured by an on-site inlet and directed to appropriate treatment facility. Operations of said inlet require dry clean method first and no wash down of the area. An inspection port or clean out shall be installed at the first bend after the water-oil separator.
21. A pump depressurization chamber shall be provided and shown on submitted grading plans after any proposed storm drain pump system.
22. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the Land Development Division for review and approval. The details shall conform to City standards, codes and ordinances, and San Diego Regional Water Quality Control Board (SDRWQCB) Municipal Storm Water Permit requirements. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City Engineer and Planning Manager.
23. A hydrology and hydraulic report, including calculations, shall be prepared for the project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the project's build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. 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(s).
24. 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.

25. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the most current requirements of SDRWQCB.
26. The applicant/developer shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
27. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
28. All construction and grading related Best Management Plans (BMPs) shall be shown in detail on the construction plans submitted to the City for review and approval.
29. The applicant/developer shall submit "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.

Planning Division

30. Under separate permit application, 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 in public view. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. 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 handout, City Council Resolution 2001-5747); and method of installation and irrigation.

- d. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, SMMC Chapter 20.330, in addition to State of California water efficiency requirements.
 - e. 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 Storm Water Quality Management Plans (SWQMP).
 - f. Landscaping for the proposed project shall avoid the use of invasive plant species. Invasive plants shall be those identified on Lists A and B of the California Exotic Plant Council's List of Exotic Plants of Greatest Ecological Concern in California, as of October 1999, and updated if applicable.
 - g. The landscape permit shall require that prior to installation, the proposed plants shall be inspected and approved by the Planning Division for plant quality and compliance with minimum size requirements. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.
31. The applicant/developer shall comply with the following conditions regarding cultural resources:
- a. Pre-Excavation Agreement: Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Pre-Excavation Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection, treatment, and repatriation of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations,

geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation.

The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Pre-Excavation Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.

- b. Construction Monitoring: Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that a Qualified Archaeologist and Traditionally and Culturally Affiliated Native American monitor (TCA Native American monitor) have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Pre-Excavation Agreement.

The Qualified Archaeologist and TCA Native American monitor shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the Qualified Archaeologist and TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological or tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-

commercial sources that have been determined to be absent of tribal cultural resources by the Qualified Archaeologist and TCA Native American monitor.

The Qualified Archaeologist and TCA Native American monitor shall maintain ongoing collaborative coordination with one another during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division and the TCA Tribe, preferably through e-mail, of the start and end of all ground disturbing activities.

Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any TCA Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Manager for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to Pechanga Band of Indians, Rincon Band of Luiseno Indians, San Luis Rey Band of Mission Indians or any parties involved in the project specific monitoring or consultation process. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.

- c. Unanticipated Discovery Procedures: Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthed archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

If a determination is made that the archaeological resources or tribal cultural

resources are considered potentially significant by the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor, then the City and the TCA Tribe shall determine, in consultation with the Applicant/Owner and the Qualified Archaeologist, the culturally appropriate treatment of those resources.

If the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of CEQA and California Public Resources Code Section 21083.2(b) with respect to archaeological resources and California Public Resources Section 21704 and 21084.3 with respect to tribal cultural resources, and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe.

All sacred sites, significant tribal cultural resources, and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation. If avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

If a data recovery plan is authorized as indicated above and the TCA Tribe does not object, then an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor may, at their discretion, collect said

resources for later reburial or storage at a local curation facility, as described in the Pre-Excavation Agreement.

In the event that curation of archaeological resources or tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

- d. Human Remains: As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98.

If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, and not under his or her jurisdiction, then he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.

If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent

is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

Fire Department

32. Fire apparatus access roads/driveways shall have an unobstructed improved width of not less than 24 feet (curb line to curb line), and an unobstructed vertical clearance of not less than 13 feet 6 inches, or 14-feet for rigid structures. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds in accordance with California Fire Code (CFC) Section 503.2.1, SMMC Section 17.64.120. For single-family residential driveways serving no more than one single-family dwelling, access roads shall have minimum width of 16 feet (curb line to curb line).
 33. All roads in the project shall have adequate turn radius to accommodate all Fire Department apparatus including frontline and reserve fire engines and frontline and reserve trucks (engine and tiller ladder trucks). The required inside turn radius shall be 28 feet for engine and tiller ladder truck. No curb deflection or other features shall interfere with fire apparatus ability to navigate any street. The Land Development Division shall maintain the proper templates for turn radius of all Fire Department apparatus.
 34. The applicant/developer shall submit plans and appropriate construction notes showing fire hydrant location(s) and provide fire flow data in GPM from Vallecitos Water District for approval prior to permit issuance. The required fire flow shall be based on combined square ft. area of existing store and new fuel pump canopy area.
- C. Prior to issuance of any building permit, the applicant/developer shall comply with the following conditions:

Land Development Division

1. The approved precise grading plans shall be attached to the building plans.

2. Prior to submittal of any building plans, the grading and public improvement plan sets shall be submitted for the second plan check and deemed substantially complete by the Land Development Engineer. Prior to issuance of any building permits, the public improvement plans shall be approved by the City Engineer and appropriate securities accepted.
3. Prior to permit issuance, the applicant/developer shall make a payment of fair-share contribution for the installation of new traffic signals at the intersection of Grand Ave and Linda Vista Dr. The amount shall be equal to 10.6% of the total cost of said traffic signal installations and intersection improvements.
4. Prior to permit issuance, the applicant/developer shall provide a cost estimate and make a payment of fair-share contribution for traffic signal and intersection improvements at the intersection of Grand Ave, Via Vera Cruz, and SR-78 East Bound Ramp. The amount shall be equal to 31.1% of the total cost of said intersection improvements.
5. All grading shall be observed by a licensed 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 on the approved project 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 identified in the initial report of subsurface conditions.
6. A certification of line and grade for the building pad, signed and stamped by the engineer of work, shall be provided to the Engineering Inspector. The certification shall be in a form acceptable to the City Engineer.
7. The base lift of asphalt on all roads serving the area under construction shall be completed. All proposed fire hydrants shall be operational prior to the delivery of combustible materials to the project site.

Planning Division

8. All exterior lighting shall comply with City standards for high energy-efficient fixtures, except for low-wattage architectural lighting. All exterior fixtures shall be approved by the City.
9. All exterior lighting shall use cut-off fixtures and shielded in order to direct the illumination downward and reduce the visibility of any glare.
10. Architectural lighting plan shall be included with the building plans that show the type, style, and location of all exterior building and parking lot lights. Plans shall include photo of fixture and manufacturer specifications indicating dimensions,

materials, colors, bulb type, etc.

Building Division

11. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code (CBC), Part 2, Title 24, California Code of Regulations.
12. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
13. The City 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.
14. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards.
15. The handling, storage, use and disposal of hazardous, toxic or flammable materials shall be clearly indicated on all applicable plans submitted for a building permit and shall be in compliance with any and all Federal, State, County and City rules, regulations, and requirements for hazardous waste control, including but not limited to the Hazardous Waste Control Act of 1973 (HWCA) (Health & S C §25100 *et seq.*), as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part hereof with the same force and effect as though fully set forth herein.
16. The project shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, for accessibility standards.
17. The applicant/developer shall pay Public Facilities Fees as established by the latest adopted Public Facilities Fee, based on the proposed land use, and shall be paid prior to the issuance of the first permit for the development.
18. The project is subject to the payment of school fees as required by law. The applicant/developer shall submit a Certificate of Compliance from the school district prior to the issuance of the first building permit from the City.
19. Roof drain systems shall be designed for 3-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the

point of discharge and shall discharge to landscaped areas when feasible. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations. Roof drainage shall comply with the City's storm water management measures.

Fire Department

20. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. The applicant/developer shall produce a fire preplan in (ESRI) GIS format using the pre-configured GIS Starter Package provided by City of San Marcos. A completed fire preplan shall include the GIS data and output PDF for use by San Marcos Fire Department.

At approval of Final Building Plans, Developer shall contact San Marcos GIS (gishelp@san-marcos.net) to begin the process of creating a Fire Preplan. At 50% of the construction completion process and/or the Fire Sprinkler Hydro Test, the developer shall submit a preliminary GIS preplan to show progress. Minor changes to plans made during construction can be corrected at the time of Fire inspection.

21. Where applicable, fire alarm and/or monitoring systems shall be installed in compliance with 2022 California Fire Code and the most current edition of NFPA 72 for NFPA 13 and 13R fire sprinkler systems.
22. Access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building.

- D. During the grading and construction phase, the applicant/developer shall comply with the following conditions:

Engineering Construction Inspection Division

1. Prior to any construction activities, a pre-construction meeting shall be held with the Engineering Construction Inspection Division. The applicant/developer shall provide the inspector with a detailed construction schedule which depicts when building occupancy or occupancies will occur and when key public and private infrastructure improvements will be completed. Schedule updates shall be provided to the Building and Public Works Inspectors at a minimum monthly basis throughout the life of the project.
2. 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.
3. During construction activities, the applicant/developer shall maintain public and

private driveway and/or road access to neighboring 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.

4. The applicant/developer shall submit a traffic control plan to the Engineering Inspector for all phases of construction for approval by the City Engineer. Said plan shall include all traffic control devices including traffic signals as required.
5. Construction haul routes must be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
6. At the discretion of the Engineering Inspector, the applicant/developer shall document the pre-construction condition of existing roads or offsite properties which may be impacted by construction activities. The applicant/developer shall be responsible in repairing any construction related damages prior to occupancy.
7. A Right-of-Way permit shall be required prior to commencement of any work within the City right- of-way.
8. The applicant/developer shall implement and maintain storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance (Ch. 14.15 S.M.M.C.) will result in Stop Work Orders, Notices of Violations and/or citations with fines. Work on the project may be delayed until the City determines that compliance with storm water requirements has been achieved.

Planning Division

9. At least one copy of the approved plans, approval letters and conditions of approval shall be available for review at the job site at all times.
10. The project shall comply with Regional Air Quality Standards.
11. The applicant/developer shall comply with the following conditions regarding paleontological resources:
 - a. Prior to the commencement of construction, a qualified project Paleontologist shall be retained to oversee the limited paleontological mitigation program (a project Paleontologist is a person with a Ph.D. or Master's Degree in Paleontology or related field, and who has knowledge of San Diego County paleontology and documented experience in professional paleontological procedures and techniques). In addition, an appropriate regional fossil repository shall be designated to receive any discovered fossils (e.g., the San Diego Natural History Museum).

- b. The project Paleontologist should attend the project preconstruction meeting to consult with the grading and excavation contractors and City environmental and engineering staff concerning excavation schedules, paleontological field techniques, and safety issues.
- c. A paleontological monitor (working under the direction of the project Paleontologist) should initially be on-site on a full-time basis during any excavations extending more than 10 feet below ground surface in the eastern and southern portions of the site only, where previously undisturbed deposits of Moderate paleontological sensitivity (e.g., old alluvial flood plain deposits) may be present, in order to inspect exposures for unearthed fossils. Monitoring may be reduced or terminated at the discretion of the project Paleontologist based on the results of initial monitoring.
- d. If fossils are discovered, the project Paleontologist (or paleontological monitor) should recover them. In most cases, fossil salvage can be completed in a short period of time. However, some fossil specimens (e.g., a bone bed or a complete large mammal skeleton) may require an extended salvage period. In these instances, the project Paleontologist (or paleontological monitor) has the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.
- e. Fossil remains collected during monitoring and salvage should be cleaned, repaired, sorted, and cataloged as part of the mitigation program.
- f. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, should be deposited (as a donation) in the designated fossil repository. Donation of the fossils shall be accompanied by financial support for initial specimen storage.

Building Division

- 12. 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.
- 13. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.

14. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM and 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. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citation for hours of work violations requires a mandatory court appearance in North County Superior Court.
15. During construction the applicant/developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

Fire Department

16. Prior to the delivery of combustible building construction materials to the project site, the following conditions shall be completed to satisfaction of the Fire Department: 1) fire hydrants(s) shall be installed, approved, and usable, and 2) fire lane or access roads shall be in place and provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75,000 lbs.).
 17. A legible site address shall be posted and visible from either direction of approach to the project.
 18. A written site safety plan shall be created and implemented in accordance with California Fire Code Chapter 33. The site safety plan shall establish a fire prevention program at the project site, applicable throughout all phases of construction.
- E. Prior to the occupancy of any structure, the applicant/developer shall comply with the following conditions:

Land Development Division

1. All public improvements required at the time of development shall be under construction to the satisfaction of the City Engineer prior to certificate of occupancy.
2. An elevation certificate shall be provided to the City which certifies that the low water entry to the building/s is above the 100-year floodplain elevation and that the building has been built in compliance with the City's Flood Management Overlay

Zone requirements as defined in SMMC Chapter 20.255.

3. All applicable easements and agreements shall be recorded prior to occupancy if not required sooner by these conditions.
4. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall provide evidence to the Building Official, that the Department of Real Estate has been notified that the project area is within the boundaries of a Community Facilities District (CFD), and will be subject to special taxes for public facilities and/or services.
5. Redline As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.
6. Any existing broken pavement, concrete curb, gutter or sidewalk or any other facilities damaged during construction of the project, shall be repaired or replaced as directed by the Public Works Inspector.
7. Project proposal to be reviewed and approved by the applicable water/sewer district(s).
8. Prior to the issuance of any certificates of use and occupancy, the applicant/developer shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the City, unless such easements are expressly made subordinate to the easements to be offered for dedication to the City. Prior to granting any of said easements, the applicant/developer shall furnish a copy of the proposed easement to the Land Development Engineer for review and approval. Further, a copy of the approved easement shall be furnished to the Land Development Engineer prior to issuance of any certificate of use and occupancy.

Planning Division

9. All landscaping shall be installed, inspected, and approved by the Planning Division. Landscaping shall be established and flourishing in a healthy manner.
10. The applicant/developer shall submit a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.

Building Division

11. The applicant/developer shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy from the Building Official. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

Fire Department

12. Building addresses shall be mounted on the building in a visible location, numbers shall be 12 inches in height minimum to be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
 13. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
 14. The project shall include “NO PARKING FIRE LANE” signs. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by California Vehicle Code, Sections 22500.1 and 22658(a) and San Marcos Fire Department Standards.
 15. Obtain necessary approvals and permits from San Diego County Health Department (CUPA); all required inspections will be completed by San Diego County Health Department (CUPA) section.
 16. Motor fuel dispensing facilities shall be installed and maintained in accordance with Chapter 23 of the CFC.
 17. Fire extinguishers rated at 2a-20bc shall be mounted in cabinets, at 5 feet to the top of cabinet.
- F. Reliance on this Conditional Use Permit shall comply with the following operational standards:
1. The applicant/developer shall obtain a City Business License prior to operations and shall maintain a City Business License for the duration of the business operations.
 2. The driveway on Linda Vista Drive will be used solely for fuel tanker and emergency vehicle egress. No ingress and no customer use for the driveway shall be allowed.
 3. Trash dumpsters shall be kept within the existing enclosure(s) on site, and gates shall be closed to screen the dumpsters from view. When not in use, dumpster lids shall remain closed in order to prevent rainfall from entering the dumpsters in compliance with the City’s Storm Water Management requirements.

4. The facility must comply with all applicable provisions of San Marcos Municipal Code (SMMC) Chapter 14.15 (Storm Water Management and Discharge Control) and other State and regional permits/standards for the protection of storm water quality.
5. Non-storm water discharge into the City's storm drain conveyance system is considered an illicit discharge and is prohibited during construction, operation and maintenance of the business in accordance with SMMC Chapter 14.15.
6. Use of the site must be conducted so as not to become obnoxious by reason of noise, odor, refuse, parking impacts, or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
7. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
8. Outdoor storage shall be prohibited on site.
9. The applicant/developer shall comply with all rules, regulations, and conditions of the County Health Department, Hazardous Management Division, the California Department of Toxic Substances Control, and the Air Pollution Control District for the operation of this type of facility and materials used, emitted, and disposed of by the applicant/developer.
10. Motor fuel dispensing facilities shall be installed and maintained in accordance with Chapter 23 of the CFC.
11. The applicant/developer is responsible for compliance with all applicable State of California Department of Motor Vehicles rules and regulations. Said requirements are incorporated herein by reference.
12. During hours of operation, at least one employee shall be available at the fueling station to assist customers.
13. Customer fuel sales shall be for Costco members only.
14. All vehicle queuing for the fueling station shall occur onsite and at no time shall impact the public right-of-way (Bent Avenue). Should queuing occur offsite, the owner/operator shall agree to coordinate with the City and take corrective action to the satisfaction of the City Engineer.