

RESOLUTION NO. 2014 -

A RESOLUTION OF THE CITY OF SAN MARCOS CITY COUNCIL
APPROVING A MULTI-FAMILY SITE DEVELOPMENT PLAN FOR 93
CONDOMINIUM UNITS LOCATED WITHIN THE RICHLAND
NEIGHBORHOOD

CASE NO.: MFSDP 14-001 (P14-0001)
The Norman SM Project Owner, LLC

WHEREAS, on January 7, 2014 an application was received from The Norman SM Project Owner, LLC requesting a Multi-Family Site Development Plan, to develop 93 condominium units on approximately 9 acres located at 316 Mission Road, more particularly described as:

A portion of Lot 3 in Block 52 of the Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the office of the County Recorder of San Diego County, December 21, 1895, and, Parcel 2 of Parcel Map No. 10177, 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 said county June 27, 1980 as instrument No. 80-204014 of official records, and, A portion of Parcel B of certificate of compliance recorded September 15, 1999 as instrument No. 99-0631820, being the westerly 140.00 feet of Lot 4 in Block 52 of the 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 recorder's office of said county on December 21, 1895. Assessor's Parcel No.: 220-210-10, 41, & 46

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

WHEREAS, the Planning Commission recommended approval to the City Council on November 3, 2014; and

WHEREAS, the required public hearing held on December 9, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City Council did consider a Mitigated Negative Declaration (ND 14-007) with a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the City Council's decision is based upon the following findings and determinations:

1. With the proposed conditions, the development of 93 dwelling units will not be detrimental to, impactive upon, or incompatible with surrounding existing and proposed land uses, or the public health, safety, or welfare, in that the proposed project would be compatible with the existing and future noise environment while access is designed compliant with engineering and fire department requirements, on-site parking shall comply with code requirements and the project will ensure sufficient common open space/recreational area including an internal pedestrian paseo system, and landscaping to enhance the visual and physical use of the property with perimeter screening through a landscape buffer along the northern

edge adjacent to the existing single family neighborhood.

2. The project will conform to the City's adopted General Plan, with approval of a GPA, in that the project is conditioned to incorporate the applicable standards specified in the Specific Plan as listed in the staff report and conditions of approval.
3. The project provides adequate buffering between residential uses and otherwise is in the best interests of the public health, safety and general welfare in that a landscape treatment is proposed for the northern perimeter of the project adjacent to the existing single family neighborhood to the north, and adequate emergency vehicle access points have been designed into the project.
4. The structures, Site Development Plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists, and vehicles in that the project satisfies all relevant city code and policy requirements. The design of the proposed architecture is varied and appropriated in scale and quality for this infill project location and will add value to the overall community and be compatible with the existing, surrounding developments.
5. The project provides open space, parking areas, and landscaping consistent with the city's zoning ordinance in a manner that visually enhances the physical use of the property.

NOW THEREFORE, the City Council resolves as follows:

1. The foregoing recitals are true and correct.
2. Mitigated Negative Declaration (ND 14-007) with a Mitigation Monitoring and Reporting Program is hereby certified.
3. Said Multi-Family Site Development Plan (MFSDP 14-001), is hereby approved for up to 93 condominium units subject to the following conditions:
 - A. Prior to recording of the Final Map, the following conditions shall be complied with:
 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 an original mylar along with a copy of the approved resolution. 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 MFSDP 14-001." 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 mylar's shall be

approved by the City prior to any grading plan, improvement plan or final map submittal.

3. As depicted on the preliminary site development plan, the projects driveways will need to maintain a clear sight distance onto Mission Road.
4. The applicant/landowner shall establish and record Covenants, Conditions and Restrictions (C.C.&R.'s) for the proposed project to assure the continued maintenance and operation of all said common areas and improvements as specified in all approved Resolutions. The City Attorney shall review and approve the CC&R's prior to recordation.
 - a. The applicant/landowner and all persons, firms, or corporations owning the property subject of this subdivision at the time of the recording of the Final Maps and their heirs, administrators, executors, successors and assignees, shall maintain and repair the common areas and improvements for benefit of the residents, and shall continue to operate, maintain and repair such common facilities and improvements, until such time as the maintenance of said facilities and improvements are assumed by some public agency or district approved by the City Council or by a Homeowners Association.
 - b. The maintenance and operation of said common facilities, including drainage facilities, and improvements for common use and benefit of the residents shall be assured through establishment of a Homeowners Association and CC&R's capable of maintaining and operating said common areas, facilities and improvements and providing for the participation by owners of all dwelling lots within said subdivision in the cost and maintenance and operation and the enforcement of such participation.
 - c. The design for "common use" shall be delineated as part of the combined master common/landscape plan for the project. All plans for common areas/improvements shall be approved by the Development Services and Community Services Department.
 - d. Incorporate as part of the CC&R's the provision that garages shall be utilized for the parking of vehicles and enforced by the HOA. Said CC&Rs shall provide for HOA enforcement of the garage utilization requirement and will be recovered against the HOA and affected individual owners in addition to any other fines, penalties or remedies.
 - e. The City Attorney shall approve the wording of by-laws and articles of incorporation of the proposed homeowner's association in writing prior to the creation of said homeowner's association.
 - f. Maintenance of common facilities, slope areas, improvements and all other amenities on-site shall be the responsibility of the Homeowner's Association and held in perpetuity. Maintenance of all common areas shall be provided for in the CC&R's.

B. Prior to Grading Permit the following conditions shall apply:

1. A hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100-year, 10 year and 2 year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. This report shall be subject to approval of the City Engineer.
2. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property.
3. 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.
4. A final hydrology report (calculations) shall be prepared for the proposed project modifying the preliminary report to reflect the final design as shown on all improvement or grading plans.
5. All on-site drainage shall be conveyed into a public storm water conveyance system through on-site private drains and routed in a manner to not disturb any public improvements. These facilities shall be constructed in accordance with City standards and privately maintained.
6. The applicant/developer shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
7. Areas as shown within the preliminary grading plan as not in conformance with the City's grading ordinance shall be graded in conformance with the grading standards set forth in the Specific Plan.
8. For areas not in conformance with the City Grading Ordinance, the combined slope and wall height must not exceed total heights as depicted on the preliminary grading plans. All other areas of the site shall conform to the City's Grading Ordinance.
9. No slopes steeper than 2:1 shall be allowed within the development except in those areas as identified within the preliminary grading plans as not in

conformance with the City's Grading Ordinance. Transitions of slopes back to a 2:1 must also be accommodated within the depicted areas on the preliminary grading plan. No slope shall be allowed to be steeper than 1.5:1. The geotechnical report submitted for the grading plans must provide the slope stability calculations. Should the geotechnical report demonstrate a slope steeper than 2:1 poses a hazard, grading plans must be modified to take this into consideration.

10. The applicant/developer shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, traffic signals, storm drain facilities, water quality BMP's, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "Approved" improvements within a period to be specified in the executed Subdivision Improvement Agreement.
11. 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.
12. Developer shall submit an executed Storm Water Maintenance Agreement for the purposes of ensuring the ongoing maintenance of on-site Best Management Practices (BMP's). The Storm Water Maintenance Agreement shall be in a form acceptable to the Stormwater Program Manager.
13. Water Quality Improvement Plans (WQIP's) shall be prepared and attached to the grading plans. WQIP sheets shall depict and summarize all applicable water quality and hydromodification information to the satisfaction of the Stormwater Program Manager.
14. Erosion control and/or sediment control details shall be shown on the grading plans. The applicant/developer shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining/crib walls on an approved grading plan. Street and drainage structure alignments, and retaining/crib walls shall be designed to the satisfaction of the City Engineer.
15. The final revised 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. Prior to Improvement Permit, the following conditions must be complied with:

1. The applicant/developer shall submit plans and specifications for improvement of all streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing Caltrans standards and acceptable to the City Engineer.
2. 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" or evaluated during excavation work 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.
3. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and sight distance easements to avoid reconstruction or modification of same.
4. The Applicant shall design a left turn pocket consistent with the site plan and adopted City standards. Improvement plans shall include landscape plans for all publicly maintained landscaping and irrigation.
5. Improvement plans shall indicate the removal of trees within the line of sight depicted on the approved site plan. Trees removed from the line of sight shall be mitigated as approved by the City's Planning Division. All stumps of trees shall be adequately ground and removed as to allow replacement planting and irrigation to be installed.
6. Improvement Plans shall depict all irrigation and landscaping materials to be updated consistent with the City of San Marcos landscaping standards and Water Efficient Landscape Ordinance. Such improvements shall extend from the proposed left turn pocket to the existing left turn pocket at Falcon Place, subject to approval of improvement plans.
7. The applicant/developer shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate and maintain the public street landscaping (medians and parkways) and lighting system for a period of eighteen (18) months.
8. 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.

9. The exact alignment, width and design of all median islands, turning lanes, travel lanes, driveways, striping, and all other traffic control devices and measures, including turnouts, bike lanes, and width transitions, shall be approved by the City Engineer.
 10. A light emitting diode 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.
- D. Prior to acceptance of public improvements, the following conditions must be complied with:
1. Any areas damaged during the construction phase will be restored to a serviceable condition.
 2. The applicant/developer shall post a security with the City in an amount approved by the City Engineer for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.
- E. The following revisions shall be made to the site plan:
1. Both driveways shall be designed to incorporate an enhanced entry hardscape detail. Final design details shall be provided by the developer on the landscape plan subject to final review & approval by Developmental Services. The enhanced driveway shall be located outside of the city right-of-way.
 2. There shall be a clear separation of pedestrian/vehicular traffic while providing pedestrian walkway corridors for all residents compliant with ADA, Title 24.
 3. No above ground utility furniture shall be allowed within the public sidewalk along Mission Road, with exception of the VWD detector check which shall be screened with landscape. All utilities shall be screened from street view. Utility plans shall be submitted along with the modified site plan.
 4. Driveways "P", "Q" and "M" as depicted on the Site Plan must be a minimum of twenty four feet (24') wide with no parallel parking within the 24' of driveway.
 5. An illuminated directory display and unit location map shall be installed at the entrance and major walkway entrance to the project as an aid to emergency personnel and a convenience to visitors.
- F. General Architectural conditions are as follows:
1. Note on elevations that all lap siding shall consist of hardiboard or similar material.
 2. Final color and material board subject to approval by City.

- G. The following revisions shall be made to the Landscape Plans prior to acceptance of working drawings for building permits:
1. 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.
 2. The following changes to the landscape plan are as follows:
 - a. Project landscape and architectural design shall comply with the Specific Plan.
 - b. A note shall be added to plans stating the additional landscape screening may be required in areas deemed necessary by the Planning Director prior to occupancy.
 - c. Landscape shall be carefully placed to prohibit vehicular headlights in parking lot areas and internal streets from projecting off-site to avoid impacting adjacent properties.
 - d. An enlarged scale drawing of the private tot lots with amenities shall be submitted for review and approval prior to issuance of building permits.
 - e. Plans shall indicate the initial planting height and canopy of all planting.
 - f. Provide shade trees within the lower level recreational area.
 - g. Provide active recreational amenities within the lower level recreational area as determined by the Community Services Director.
 - h. The density and spacing of the trees shall be shown on the landscape concept plan unless modified by these conditioned herein.
 - i. Provide 24 inch box trees in the lower level of recreational area as shown on the approved Conceptual Landscape Plans.
 - j. The median along Mission Road must incorporate all planting areas from the proposed left turn pocket to the left turn pocket to Falcon Place.
 - k. The plan shall reflect the replacement of any damaged decorative concrete panels within the median between the proposed left turn pocket and the left turn pocket at Falcon Place.
 - l. Remove the note indicating "Median Paving to Remain."
 3. The applicant shall be responsible for mitigating the replacement of all existing trees removed due to the proposed left turning lane affected by line of sight safety distance. Applicant shall replant trees at a ratio of 3:1 with 36" box trees either within a designated area within the City's right-of-way, at a City park or payment of an in-lieu fee as determined by the City Engineer. Developer shall also be responsible for submitting a landscape design for the median which shall replace trees and removed landscape with an acceptable planting scheme, and retrofitting/replacing all irrigation to the satisfaction to the Public Works landscape inspector.
 4. All street trees within the City's public right of way shall be designed & install with CU structural soil.
 5. Final landscape plan shall comply with the San Marcos Water Efficiency Ordinance.

6. Provide 36" box specimen trees along the Mission Road frontage planted in clusters to the satisfaction of the Planning Division Director and Public Works Director pursuant to the approved landscape plans.
- H. Prior to the issuance of any permits, the following conditions shall be complied with:
1. Tot lot areas shall be designed with an acceptable surface material and play equipment to the satisfaction of the Community Services Director.
 2. The design of the development shall comply with the adaptability and accessibility requirements of Part 2, Title 24, California Code of Regulations.
 3. The design of all structures shall comply with the Uniform Building code, published by the International Conference of Building Officials (ICBO) 1988 edition.
 4. Comply with the following Vallecitos Water District (VWD) requirements:
 - a. Any existing District pipelines located within the boundaries of the project that are in conflict with the proposed development will require relocation within the public right-of-way or District easements.
 - b. Public water or Sewer facilities not within the public private right-of-way will require a minimum 20-foot easement granted to the District.
 - c. The District may require additional easements through the project or private properties for future extension.
 - d.. The owner of the project is responsible for obtaining any easements including expenses incurred.
 - e. Joint use of these easements is not allowed by the District and easements for storm drain and other facilities should be analyzed early so that adequate sizing of easements for all facilities and various agencies is provided.
 - f. No structures will be allowed over District facilities. This includes but is not limited to, walls, entrance medians, landscaping, gates, guard house structures, curbs and gutters, or driveways that will be constructed over District facilities.
 5. Any sewer facilities in conflict with the development will require relocation into public right-of-ways and may require easements across a portion of the lots. Access to, and along, the facilities must be maintained at all times.
- I. Prior to building permit issuance the following conditions shall be complied with:
1. Fire hydrants with an adequate water supply must be installed at locations approved by the San Marcos Fire Department. Hydrant spacing shall be 300 feet apart. Type of hydrants are to be Jones or clow two 4" & one 2 ½" outlet. Fire flow requirement to be determined at a later date. Fire hydrants shall be in place and serviceable prior to the delivery of combustible construction materials to the site.
 2. If the project is to be phased, 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. Should the Applicant decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Director of Planning. Other conditions may be imposed by the City Engineer and Director of Planning to allow out-of-phase construction.

3. The Applicant 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):
CFD 98-01 - Improvement Area No. 1 (Police Only)
CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
CFD 2001-01 – Fire and Paramedic
CFD 2011-01 – Congestion Management
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 applicant may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The Applicant 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.
4. The approved precise grading plans shall be attached to the building plans.
5. All grading shall have been 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.
6. The Applicant 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.
7. 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.
8. The applicant/developer shall pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution Number 2008-7007 (latest resolution based on the proposed land use.
9. The applicant/developer shall pay an in-lieu affordable housing fee fixed at \$9,300 per unit. The fee is non-negotiable. Notwithstanding, the Developer could provide

suitable onsite or offsite mitigation as approved by the City. Should the requirement for affordable housing be absolved prior to the issuance of any one building permit this condition would be waived.

10. The storage, use or handling of hazardous toxic or flammable materials, as defined by Section 25101 of the Health and Safety Code, shall be clearly indicated on all floor plans.
11. The applicant shall obtain "will serve" letters from all affected public service and utilities agencies.
12. All buildings shall conform to seismic design requirements and procedures outlined in the Uniform Building Code adopted by the City.
13. 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.
14. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
15. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures as described below:
 - a. Exterior door jambs shall be installed with solid materials, i.e. full trimmers and king studs, for 6 inches away from the strike edge of the door.
 - b. Door stops on wooden jambs shall be one piece construction or substantially fastened to the jamb.
 - c. Strike plates for deadbolts on wood framed door jambs shall be 16 gauge steel or equal, attached with two screws penetrating two inches into solid backing.
 - d. Louvered windows are to be avoided, unless 12 feet above ground level and 6 feet horizontally from an accessible surface.
 - e. Locking hardware for garage doors shall be mounted on 2 inch solid backing or frame members. Carriage bolts or equal are required to prevent removal of the hardware.
 - f. Garage doors exceeding 14 feet in width shall have two locking devices.
 - g. All exterior doors, including doors from the garage to the side yard, shall be 1 3/4 inch solid wood or solid core construction.
 - h. All glass within 40 inches of any door lock shall be laminated safety glass or burglary resistant glass.
 - i. Solid wood doors shall have a wide angle 180 degree peep hole.
 - j. Street addresses shall be prominently displayed on the curb face in a direct line with the front door and on the building wall closest to the street.
16. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in

accordance with the requirements of the latest adopted California Building Code.

17. The proposed development shall comply with the latest adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.
 18. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
 19. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
 20. The property is within the boundaries of the Vallecitos Water District for sewer service and part of Improvement Districts 1, 2 & 6. Sewer service will only be provided under the rules and regulations of the District, under normal operating conditions and after all required fees have been paid and all conditions of the District have been satisfied.
- J. During construction of the project, the following conditions shall be complied with:
1. This project shall implement a fugitive dust emissions control, isolating excavated soil on site until it is hauled away and periodically washing adjacent streets to remove accumulated materials.
 2. 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 STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
 3. The roadways/driveways serving this project shall have a minimum improved paved width of 24 feet. All roadway features must meet the design criteria of the San Marcos Fire Department and Engineering Department. An all weather access should be installed, as approved by the Fire Department and Engineering Department, prior to the delivery of combustible construction materials to the site.
 4. Construction operations authorized by grading and improvement permits 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.
 5. During grading and construction operations, the Applicant shall maintain public and private driveway access to neighboring businesses/properties at all times

unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.

6. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
 7. Applicant shall be responsible for special inspection on any structurally designed walls in conjunction with this project.
 8. 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.
 9. The applicant/developer shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
 10. 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.
 11. All parking for construction workers and equipment shall be provided for on-site. No equipment storage or worker parking shall be allowed on adjacent streets.
 12. The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized 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. Imposition of these requirements shall be at the discretion of the City Engineer.
 13. The applicant/builder/contractor shall retain all 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.
- K. Prior to occupancy, the following conditions shall be complied with:
1. The following items shall be addressed and complied with as required by the Fire Department.
 - a. Automatic Fire Sprinklers and Standpipes, as required by the Fire Marshall.
 - b. Fire Alarm System, as required by the Fire Marshall
 - c. Provide Fire Hydrants 300 feet apart and within 150 feet from farthest part of any buildings. (Type Jones 3775 or the equivalent Clow hydrant). Applicant must meet with San Marcos Fire Marshall to determine if additional hydrants or upgrades are necessary.
 - d. All streets must maintain a minimum 24-foot wide road free and clear of any obstruction. No parking can encroach in this area.
 - e. Buildings will be fire sprinklered as determined by the Fire Marshall.

- f. All building accesses shall be approved by the Fire Department.
 - g. Comply with all requirements stated in the Fire Protection Plan
- 2. All mechanical equipment (with exception of ground mounted HVAC) shall be completely screened from view and all trash areas shall be designed with similar architectural treatment as the main buildings.
- 3. The proposed development shall comply with Federal Law, Americans with Disabilities Act ("ADA90") and State Law, California Code of Regulations, Title 24, for accessibility standards for new construction. The ground level condominiums, common areas and parking facilities shall comply with accessibility standards for new construction.
- 4. 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.
- 5. All building on this project site shall be equipped with fire suppression systems and fire protection (i.e. hydrants and fire).
- 6. All building accesses shall be approved by the Fire Department.
- 7. The applicant/developer shall ensure that the management company will be responsible to maintain the project in a high quality manner.
- 8. Submit certification of completion of landscaping per approved plans including hardscape and streetscape areas by landscape architect.
- 9. A final recorded copy of the CC&R's shall be provided to the City. Final recorded copy shall reflect any comments provided during the review of the draft CC&R's.
- 10. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.
- 11. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate whatever the features are standard, limited, optional or not available, and the point of construction by which they must be requested.
- 12. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in

the phase.

13. Automatic fire sprinklers NFPA: Automatic Fire Sprinklers will be required for all buildings.
14. The Maintenance of private open space areas and slopes shall be the responsibility of the applicant/developer and subsequently the Home Owners Association.
15. Developer/Declarant and or their successor shall agree that the maintenance of private open space areas and project slopes shall be the responsibility of an Individual Homeowners Association.
16. The subdivider or applicant/developer shall ensure that prospective purchasers sign a disclosure for the following:

The prospective buyer is within the City's Community Facilities Districts and the proposed maximum assessment amounts for each District.
17. Roadway improvements along Mission Road shall be completed.
18. Applicant shall have an acoustical consultant generate a document that confirms interior noise levels of units do not exceed 45 dB(A) and 65 dBL for exterior habitable areas. Noise analysis shall be done to verify units meet City standards for indoor areas and patios.

L. During occupancy, the following conditions shall be complied with:

1. Prior to turning over the landscape areas to the Home Owners Association, the developer shall:
 - a. Install all landscape per the approved landscape plan.
 - b. Monitor all slope planted areas to ensure that planting achieves the 100% coverage on the slopes
 - c. Established a watering schedule that must be reviewed and approved by the City's restoration consultant. Prior to turning over areas, if recommended by City's restoration consultant the water schedule may be modified to assure areas are not overwatered or underwatered.
 - d. Full inspection is required by City to verify everything is in a healthy and thriving condition before it is released to the HOA.
 - e. That the HOA representative will submit a letter to the City acknowledging their responsibility and that these areas shall be water in maintained in perpetuity.

M. 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.

N. The Applicant 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.

- O. 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 Applicant 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 Applicant shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and, if applicable, any trail easement, to avoid reconstruction or modification of the facility.
- P. This project is required to apply for a grading permit compliant with SMMC 17.32. The plans submitted for the grading activities shall conform to applicable code and applicable engineering handouts.
- Q. This project is required to apply for a public improvement permit complaint with SMMC 14.16. All plans submitted for public improvements shall conform with applicable code, standards and engineering handouts, unless explicitly superseded by the conditions contain herein.
- R. The alignment and terminal point of storm drains and roadways shown on the tentative map, site plan, or other exhibit approved as part of this project shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.
- S. This project shall be responsible for full compliance with the latest adopted Standard Urban Stormwater Management Plan (SUSMP), latest adopted stormwater quality permit, General Construction Permit and conditions the conditions contained herein. Changes to the project that affect the projects SUSMP or Risk Level designation shall require approval of the City Engineer and may be subject to further conditions at the time of approval.
- T. This Project shall be required to annex into the City's Community Facilities District(s) No. 98-01 (Police), 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance), 2001-01 (Fire and Paramedic), and 2011-01 (Congestion Management).
- U. Applicant shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with the projects' planning, engineering, construction or architecture for the project.
- V. Prior to release of any securities, a digital copy of all as-built drawings, maps, Landscape Plans, reports, and supporting documentation (e.g. hydrology report, drainage report, geotechnical evaluations, structural reports, etc.) shall be required. All drawings and maps shall be in a Computer Aided Design file as specified by the City Engineer and shall be on the correct coordinate system. All reports and supporting documentation shall be in the

form of a multi-page Tagged Image File Format (TIFF). Digital copies of documents shall not be taken in-lieu of paper copies unless approved by the City Engineer and Planning Division Director.

- W. Prior to the release of any securities "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.
- X. 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.
- Y. 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 Multi-Family 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 Multi-Family Site Development Plan but shall survive in perpetuity
- Z. All conditions as stated in the final Resolutions/Ordinances approving the Specific Plan (SP 14-001), Tentative Subdivision Map (TSM 14-001), Rezone (R14-001), Conditional Use Permit (CUP 14-001) and Mitigated Negative Declaration (ND 14-007), mitigation measures and a Mitigation Monitoring and Reporting Program are hereby incorporated by reference and shall be complied with.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, at a regular meeting thereof, this 9th day of December 2014, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

James M. Desmond, Mayor
City of San Marcos

ATTEST:

Phil Scollick, City Clerk
City of San Marcos

ATTACHMENT: Exhibit "A"

Exhibit
"A"

Figure 2. Residential Site Development Plan

