

RESOLUTION PC 24-5098

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS APPROVING A SITE DEVELOPMENT PLAN FOR A 67,410 SQUARE FOOT LIGHT INDUSTRIAL BUILDING ON A VACANT SITE IN THE LIGHT INDUSTRIAL (L-I) ZONE.

SDP22-0002
Hughes SMCC, LLC

WHEREAS, on March 16, 2022, the City received an application from Hughes SMCC, LLC requesting a Site Development Plan to allow the construction of a 67,410-square-foot light industrial building on a 10.46-acre site located on the northeast side of S. Pacific Street, approximately 750 feet south of Linda Vista Drive in the Light Industrial (L-I) Zone in the Business/Industrial District more particularly described as:

Brief Legal Description: Parcel 2 of Parcel Map No. 122240, in the City of San Marcos, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, July 16, 1982, as instrument No. 82-219201 of official record, and a portion of Lot 3 in Block 112 of the Subdivision of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of said San Diego County, December 21, 1895, and further described in the preliminary title report by First American Title Insurance Company, dated November 23, 2021 as order number NCS-1064089-SD; and

Assessor's Parcel Number(s): 219-223-20-00 and 219-223-22-00;
and

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

WHEREAS, on March 9, 2023, the City held a public workshop to provide an informational overview of the proposed project to the general public; and

WHEREAS, on April 15, 2024, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request; and

WHEREAS, the Planning Commission did review and consider an Environmental Impact Report (EIR23-006 / SCH No. 2023020497) for said request pursuant to the California Environmental Quality Act (CEQA).

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

- A. The foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

- B. The Planning Commission hereby approves this Site Development Plan per the submitted plans date stamped April 15, 2024 (67,410-square-foot building on a 2.61-acre lot) 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 Planning Commission's decision is based on the following findings and determinations:
1. The Site Development Plan conforms with the City's General Plan and all provisions of the San Marcos Municipal Code (SMMC) in that the current Light Industrial General Plan Land Use designation and zoning allows the site to be developed with industrial developments in accordance with SMMC Chapter 20.230 for Industrial Zones and the proposed project will comply with the development standards of the Light Industrial (L-I) Zone.
 2. As feasible, the Site Development Plan preserves mature trees and will not unnecessarily remove trees and natural vegetation in that the development has been designed to minimize impacts to natural vegetation. Although 14 existing trees will be removed, 54 trees will be planted as a part of the project.
 3. The Site Development Plan will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting in that the project site is generally void of any topographical features and as a result, the proposed Site Development Plan will not have any impact on natural landforms and ridgelines nor will it include excessive or unsightly grading of hillsides or otherwise adversely affect the natural setting of the project site.
 4. The Site Development Plan provides adequate buffering between residential and non-residential uses, and otherwise is in the best interests of the public health, safety, and general welfare in that there are no residential uses within the immediate vicinity.
 5. The structure(s), Site Development Plan, and landscaping are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site in that the size, scale, and finish materials of the proposed building are similar to the development of other industrial sites in the vicinity of the project site and the proposal complies with the development standards of the Light Industrial Zone, including building setbacks, height limit, and landscape requirements.
 6. The structure(s), 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 site provides pedestrian access from the public sidewalk, bike racks for guests and employees, and landscaping throughout the development.

7. The design and location of architecture and signs are consistent with the character and scale of the buildings to which they were attached or that are located on the same site, the signs are visually harmonious with surrounding development, and there are no illegal signs on the site in that no unpermitted signage exists at the site and any new signage will be unified in appearance and will be consistent with the character and scale of the buildings
 8. The Site Development Plan provides all required on-site and off-site public improvements, in compliance with City adopted Design Manuals and guidelines, as deemed necessary by the City Engineer including but not limited to storm drain improvements, a public sidewalk along the project frontage, and bicycle lane striping on South Pacific Street from San Marcos Boulevard to Linda Vista Drive.
 9. The Site Development Plan provides open space, parking areas, and landscaping consistent with the Zoning Ordinance and in a manner that visually enhances the physical use of the property in that the project will provide parking spaces on site for employees and customers, an outdoor employee break area, and the landscaping is designed with a mixture of plant material to beautify the neighborhood.
 10. All requirements of CEQA have been met, in that an Environmental Impact Report has been prepared for the project (EIR23-006 / SCH No. 2023020497). The document has been properly noticed pursuant to CEQA and was published for public review from December 21, 2023 to February 5, 2024.
- D. This Site Development Plan is within the scope of the Environmental Impact Report (EIR23-006 / SCH No. 2023020497) and the mitigation monitoring and reporting program, and both are hereby adopted pursuant to CEQA.
- E. Within thirty (30) days of the approval of the Site Development Plan (SDP22-0002), 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 24-5098." 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.
- F. This Site Development Plan 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.
- G. 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.

- H. 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.

- I. 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 15th day of April, 2024, 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 24-5098
SDP22-0002
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 Environmental Impact Report (FEIR23-006 / SCH No. 2023020497) shall be implemented.
7. Future tenant improvements shall require issuance of a building permit(s). Tenant improvement plans shall include a parking calculation to substantiate that the subject parcel contains the required amount of parking spaces for the proposed use in accordance with the City's Off-Street Parking Ordinance (SMMC Ch. 20.340).

- B. Prior to issuance of any grading permit, unless otherwise noted, 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. The applicant/developer shall dedicate to the City a 30'-0" wide drainage easement to accommodate the proposed publicly-maintained double 66" CPPP within private property and a public drainage easement for the publicly-maintained modular wetland unit (MWS) proposed along the S. Pacific Street. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
3. Public pedestrian access easements shall be granted at each proposed project driveway to accommodate pedestrian path of travel. In addition, a public pedestrian access easement shall be granted for the portion of meandering sidewalk that encroaches unto private property along S. Pacific Street around existing electrical facilities and proposed Modular Wetland System (MWS) unit. 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. Proposed privately maintained landscaping in City ROW shall require an Encroachment, Maintenance, and Removal Agreement (EMRA) to be executed and recorded.
5. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
6. A certificate of compliance for property merger/boundary adjustment shall be recorded for the properties (APNs: 219-223-20 and 219-223-22) within the project boundary to bifurcate project developable footprint and the proposed open space area.
7. Prior to permit issuance, the applicant/developer shall enter into a Development Improvement Agreement with the City to complete all required public improvements, including, but not limited to curb, gutter, sidewalk along S. Pacific Street including said improvements along portions of proposed open space lots APN 219-223-20 and 219, 223-22 and associated pavement transitions for the 23'-0" widened section of S. Pacific Street, Class II buffered bike lane striping on both sides of S. Pacific Street from San Marcos Blvd to Linda Vista Drive with appropriate painted green bike lane conflict striping, striping intersection improvements at Pacific and San Marcos Blvd including stop bar, striping legend,

video detection modifications, and continental crosswalk modifications due to placement of new bike box at the north leg of the San Marcos Blvd/Pacific intersection. 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.

8. Proposed retaining walls along the property frontage shall be designed so retaining wall footings do not encroach into City right of way (ROW).
9. The proposed geogrid wall along the proposed easterly property line shall be designed and constructed so that the geogrid fabric does not interfere with the function of the adjacent water quality basins.
10. 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. 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 shall be acceptable to the City Engineer.
11. The design of all internal drive aisles and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all private drive aisles shall conform to geotechnical recommendations based on R-value tests. All internal drive aisles 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 Grading Permit issuance.
12. The exact depth of any new or improved street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria" and "Street Excavation Ordinance". Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
13. 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.
14. In accordance with the project's local transportation analysis, the applicant/developer shall pay a fair share contribution towards the construction of a traffic signal at the intersection of South Pacific Street and Linda Vista Drive. The applicant shall provide a design of the traffic signal and engineer's cost estimate to determine the fair share contribution amount. This condition of approval is no longer applicable in the event an adjacent development project constructs a traffic signal at this intersection prior to issuance of the project's grading permit.
15. 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. Existing streetlight located on the inside curve of S. Pacific Street shall be relocated to the outside curve of the street to the satisfaction of the City Engineer.

16. 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 lighting system for a period of eighteen (18) months.
17. All utilities fronting, abutting or within the project shall be undergrounded, with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate 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/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Director.
18. 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.
19. Grading and improvement plans shall reflect the relocation of existing sewer main crossing lot APN 219-223-20 and the sewer realignment to S. Pacific Street. the existing VWD sewer easement within APN 219-223-20 shall be quitclaimed. Proof of recorded quitclaim shall be provided to the City.
20. 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.
21. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
 - a. CFD 98-01: Improvement Area No. 1 (Police Only).
 - b. CFD 98-02: Lighting, Landscaping, Open Space and Preserve Maintenance.
 - c. CFD 2001-01: Fire and Paramedic.
 - d. CFD 2011-01: Congestion Management.

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.

22. 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: curb, gutter, sidewalk along S. Pacific Street including said improvements along portions of proposed open space lots APN 219-223-20 and 219, 223-22 and associated pavement transitions for the 23'-0" widened section of S. Pacific Street, Class II buffered bike lane striping on both sides of S. Pacific Street from San Marcos Blvd to Linda Vista Drive with appropriate painted green bike lane conflict striping, striping intersection improvements at Pacific and San Marcos Blvd including stop bar, striping legend, and continental crosswalk modifications due to placement of new bike box at the north leg of the San Marcos Blvd/Pacific intersection, and onsite 66" double storm drain pipe. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "approved" public improvements within a period to be specified in the Subdivision Improvement Agreement. For grading securities, the City may require 10% of said securities to be in the form of cash.
23. 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.
24. 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.
25. 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 Director.
26. 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).

27. 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.
28. The applicant/developer shall execute a "Hold Harmless" Agreement with the City regarding drainage across the adjacent property.
29. 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.
30. 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.
31. 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.
32. 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.
33. The applicant/developer shall submit "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.

Planning Division

34. 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. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing.
 - g. 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.
 - h. Plant material shall be fire and drought tolerant and acceptable for defensible space in fire prone areas.
 - i. 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.
35. All exposed retaining walls shall be constructed of earth tone colored keystone,

split-face, similar textured block, or other material approved by the Planning Division. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.

36. The applicant/developer shall comply with the following project mitigation measures regarding biological resources:
- a. MM-BIO-1: On-Site Preservation. Impacts to sensitive vegetation shall be mitigated through the on-site preservation of 7.85 acres of sensitive upland and wetland vegetation. The project shall result in the preservation of 7.09 acres of sensitive upland vegetation communities and 0.76 acres of wetland vegetation communities (which includes 0.02 acres of restored areas per MM-BIO-2). A land manager shall be identified to ensure that the project is managed and protected in perpetuity. A conservation easement for the 7.85 acres shall be recorded prior to the issuance of a grading permit or other timing agreed upon by the Planning Division Director or their designee.
 - b. MM-BIO-2: Onsite Habitat Restoration. Onsite habitat restoration will consist of the removal and restoration of invasive species, vernal pool restoration, and development of a habitat restoration plan.
 - i. **Invasive Species Removal:** The 0.02 acres of tamarisk scrub will be restored to native emergent wetland habitat through the removal of the tamarisk and other non-native plant species. Tamarisk will be cut and stump treated with herbicide, and the other non-native species will be removed with a combination of herbicide application, mowing (line trimmers), and hand weeding. With the removal of those invasive species, the site will be planted and seeded to establish native emergent wetland species found on site, including but not limited to pale spikerush, Mexican rush, iris-leaf rush, alkali mallow (*Malvella leprosa*), and pickleweed.
 - ii. **Vernal Pool Restoration:** Vernal pool restoration will include some minor recontouring of the existing vernal pool basin where appropriate, mostly where vernal pools have been altered by road ruts, trail berms, and other past disturbances to the site. Any recontouring will avoid impacts to existing vernal pools and existing sensitive species and is intended to develop new pools or to expand pools from existing locations. Along with this minor recontouring, weed control will also be conducted in the vernal pools and surrounding watershed areas. Weed control will consist of a combination of herbicide application, mowing (line trimmers), and hand weeding. Vernal pools on site that are low in diversity, particularly those at the south end of the project, will be planted and seeded with vernal pools species known from the site. Seed collected for this purpose will come from on-site sources only. This will include, but is not limited to San Diego button celery, spreading navarretia, pale spikerush, annual coast plantago (*Plantago*

elongata), aquatic pygmy plant (*Crassula aquatica*), toad rush (*Juncus bufonius*), smooth boisduvalia (*Epilobium campestris*), and wooly marbles (*Psilocarphus brevissimus*). Mitigation will not occur within the San Diego County Water Authority owned parcels. The project applicant will consult with the U.S. Fish and Wildlife Service to ensure that the mitigation plan does not impact listed species.

- iii. Habitat Restoration Plan: The applicant shall prepare a conceptual habitat restoration plan outlining the restoration described above. Upon approval a 5-year implementation effort would follow the plan, including topographic reconstruction, weed control, seeding, container planting, irrigation, and a program of monitoring and reporting.

The restoration plan shall be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. The plan should include, at a minimum: (a) a description of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control non-native vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. As part of the mitigation planning a PAR-like cost evaluation will be developed and approved by USFWS to help determine long term costs in the endowment required to support those costs. The applicant is required to fund the endowment before the issuance of grading permits, and the endowment agreement shall be approved by USFWS.

- c. MM-BIO-3: Landscaping. The applicant shall ensure that development landscaping adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" List. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserved lands and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The applicant shall ensure that development lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats.
- d. MM-BIO-4: Temporary Installation Fencing. The project applicant shall temporarily fence the limits of the project impact footprint and install other appropriate sediment trapping devices to prevent additional impacts to, and the spread of silt from the construction zone into, adjacent habitats to be

avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitats to be avoided.

If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the City. Any habitat impacts that occur beyond the authorized work will be offset at ratios approved by the City. Temporary construction fencing and sediment trapping devices will be removed upon project completion.

- e. MM-BIO-5: Environmental Awareness Training. A Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of sensitive wildlife which may occur onsite including coastal California gnatcatcher and least Bell's vireo, their habitat, and general compliance with environmental/permit regulations and mitigation measures.

At a minimum, training will include a discussion of the following topics: (1) the purpose for resource protection; (2) a description of the coastal California gnatcatcher and least Bell's vireo and their habitat; (3) descriptions of the special-status plants and their habitat, (4) the MMs outlined in this report that should be implemented during project construction to conserve the sensitive resource, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the FESA and California Endangered Species Act (CESA), the need to adhere to the provisions of the FESA and CESA, and the penalties associated with violating the FESA and CESA.

- f. MM-BIO-6: Breeding Season Avoidance. The removal of coastal sage scrub and wetland vegetation from the project impact footprint will occur from September 1 to February 14 to avoid the bird breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the project will occur from September 1 to February 14 to avoid the breeding season. If project construction must occur during the breeding season, MM-BIO-10 and MM-BIO-11 will be implemented.
- g. MM-BIO-7: Work Hours. Project construction will occur during daylight hours. However, if temporary night work is required, night lighting shall abide by city standards and shall be selectively placed, shielded, and directed away from natural habitats.
- h. MM-BIO-8: Construction Best Management Practices. The project applicant will ensure that the following conditions are implemented during project construction in order to minimize potential impacts to sensitive vegetation and species:

- i. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
 - ii. To avoid attracting predators, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site;
 - iii. Pets of project personnel will not be allowed on the project site; and,
 - iv. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.
- i. MM-BIO-9: Biological Monitor Requirements and Duties. A qualified biologist will be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of coastal California gnatcatcher and least Bell's vireo habitat to ensure compliance with all project-imposed mitigation measures. The biologist will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the project's engineer to ensure that issues relating to coastal California gnatcatcher, least Bell's vireo and their habitat are appropriately and lawfully managed. The qualified biological monitor will also be responsible for the following duties:
- i. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately.
 - ii. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
 - iii. Halt work, if necessary, and confer with the USFWS and City to ensure the proper implementation of species and habitat protection measures. The biologist will report any violation to the USFWS and City within 24 hours of its occurrence.
 - iv. Submit weekly letter reports (including photographs of impact areas) via regular or electronic mail (email) to the City during clearing/grubbing of potential habitat and/or project construction resulting in ground disturbance within 500 feet of avoided potential habitat. The weekly reports will document that authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the duration of monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers and locations of any coastal California gnatcatcher/least Bell's vireo and nests,

sex, observed behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatcher/least Bell's vireo and nests.

- v. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program as required by the USFWS were achieved.

- j. MM-BIO-10: California Gnatcatcher Survey. For initial clearing/grubbing of coastal California gnatcatcher habitat within the project development footprint, a biologist holding a Section 10(a)(1)(A) permit shall perform a minimum of three (3) focused surveys, on separate days, to determine the presence of California gnatcatchers or nests in the project impact footprint. Surveys will begin a maximum of seven (7) days prior to performing initial clearing/grubbing, and one survey will be conducted the day immediately prior to the initiation of clearing/grubbing. If any coastal California gnatcatchers are found in the project impact footprint, the biologist will direct construction personnel to begin clearing/grubbing in an area away from the coastal California gnatcatchers and attempt to flush coastal California gnatcatchers away from clearing/grubbing so that coastal California gnatcatchers will not be injured or killed by clearing/grubbing activities. If an active coastal California gnatcatcher nest is found, the nest will be avoided until nesting is confirmed to be completed by the biologist. The project applicant will notify the USFWS at least seven (7) days prior to the initiation of surveys and within 24 hours of locating any California gnatcatcher and/or nest.

- k. MM-BIO-11: California Gnatcatcher Nest Avoidance and Minimization Measures. If an active coastal California gnatcatcher (*Polioptila californica californica*) nest is found on site or within 500 feet of project grading activities, the biologist shall postpone work within 500 feet of the nest and contact the U.S. Fish and Wildlife Service (USFWS) and the City of San Marcos to discuss (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, the project applicant shall stop work and coordinate with USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and

frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by USFWS.

- I. MM-BIO-12: General Pre-Construction Surveys. This mitigation measure serves to avoid take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code during the nesting season.
 - i. Nesting Bird Survey. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside the nesting season for these species (which is February 15 through August 31, annually). If construction occurs during the nesting season then preconstruction nesting bird surveys must be conducted within 72 hours of construction-related activities. If nesting birds are detected by the biologist, the following buffers shall be established: 1) no work within 300 feet of a non-listed nesting migratory bird nest, and 2) no work within 500 feet of a listed bird or raptor nest. However, the biologist may reduce these buffer widths depending on site-specific conditions (e.g. the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance) in conjunction with consultation with the City. If construction must take place within the recommended buffer widths above, the project applicant will contact the City and Wildlife Agencies to determine the appropriate buffer.
 - m. MM-BIO-13: Federal and State Agency Permits. Prior to impacts occurring to U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) (collectively, the Resource Agencies) jurisdictional aquatic resources, the project applicant or its designee shall obtain the following permits: USACE 404 permit, RWQCB 401 Water Quality Certification, and CDFW Fish and Game Code 1600 Streambed Alteration Agreement. The project applicant will consult with the U.S. Fish and Wildlife Service and get approval of the mitigation plan to ensure that it does not impact listed species.
37. The applicant/developer shall comply with the following project mitigation measures regarding cultural resources:
- a. MM-CR-1: 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. MM-CR-2: 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. A monitor representing the San Pasqual Band of Mission Indians shall be provided the opportunity to monitor, should they choose to.

Native American monitoring shall include a monitor representing a TCA Tribe (Luiseño) and a monitor representing the San Pasqual Band of Mission Indians (if the San Pasqual Band elects to monitor). In the event that one or more TCA Tribe chooses not to enter into an agreement, or fails to respond to the offer, the City shall extend the opportunity for another tribe to provide a monitor. In the event that more than one TCA Tribe requests to provide a TCA Native American monitor for activities subject to these measures, the City will allow for either: 1) up to one monitor from each consulting tribe to be present simultaneously; or 2) for the tribes to develop a rotating schedule that alternates monitoring between the tribes on a daily or weekly basis. The monitors shall be provided at least 72 hours' notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not

present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.

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 Director 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 Rincon Band of Luiseño Indians, San Luis Rey Band of Mission Indians, San Pasqual 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. MM-CR-3: 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 unearthened 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 Director for decision. The Planning Division Director 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. MM-CR-4: 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)).

38. The applicant/developer shall comply with the following geotechnical mitigation measure for the project:
 - a. MM-GEO-1: Paleontological Resources Impact Mitigation Program. Prior to commencement of any grading activity on site, the applicant shall retain a qualified paleontologist meeting the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be consistent with the guidelines of the SVP (2010) and include the following elements: project description, preconstruction worker environmental awareness training, frequency of monitoring, salvage protocols, reporting, and collections management. The qualified paleontologist or a qualified monitor meeting the SVP (2010) guidelines shall be on site during all rough grading and other significant ground-disturbing activities below a depth of 5 feet below the existing ground surface in previously undisturbed, Pleistocene-age deposits and all disturbance within the middle Eocene age Santiago Formation. If excavations below 5 feet are not impacting previously undisturbed deposits, as determined by the qualified paleontologist, spot-check monitoring shall ensue. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor shall temporarily halt and/or divert grading activity to allow recovery of the paleontological resources. The area of discovery shall be roped off with a 50-foot-radius buffer to document and collect the fossils. Once documentation and collection of the find is completed, the monitor shall remove the rope and allow grading to recommence in the area of the find.

No monitoring is required during excavations that the paleontologist determines are within artificial fill or younger alluvium (e.g., Holocene age Quaternary alluvium, younger than approximately 11,700 years).

Building Division

39. The project is subject to the approval of the applicable water/sewer district(s) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the water/sewer district(s) prior to issuance of grading or building permit.

Fire Department

40. Improvement plans shall show location and spacing / distance of fire hydrants. Hydrants shall be bronze industrial fire hydrants. Minimum GPM shall be per CFC Appendix B. Industrial fire hydrants shall have two 4-inch ports and one 2.5-inch port. Installation shall be as per local Water District specifications. Hydrant type shall be Clow style, Model #865. Maximum spacing from one hydrant to another cannot exceed 300 feet. Maximum distance from a fire hydrant to any fire department connection cannot exceed 50 feet. Existing hydrants fronting the property shall be removed per fire department requirements and replaced with new industrial style hydrants.
 41. Fire apparatus access roads 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. 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.
 42. 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.
 43. Deferred submittal / separate permit is required for fire line underground work. (On-site fire hydrants, fire sprinkler service to building, etc.) Plans for fire service underground piping shall be submitted for approval prior to Fire Department field inspections. All underground piping shall be installed in accordance with NFPA 13 and NFPA 24. A contractor's material and test certificate for underground piping per NFPA 24, Figure 10.10.1 shall be submitted to the Fire Department.
- C. Prior to issuance of any building permit, unless otherwise noted, 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. All public improvements required at the time of development shall be under construction to the satisfaction of the City Engineer prior to the issuance of any building permit.
4. 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.
5. 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.
6. 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

7. Future tenant improvements shall require issuance of a building permit(s). Tenant improvement plans shall include a parking calculation to substantiate that the subject parcel contains the required amount of parking spaces for the proposed use in accordance with the City's Off-Street Parking Ordinance (SMMC Ch. 20.340).
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.

11. All rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or other architectural features from street grade view and adjacent properties as approved by the Planning Division Director. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
12. Rain gutter downspouts shall be internal or architecturally screened from view where feasible as determined by the Planning Division.
13. Gas meters shall be architecturally screened from view by low screening walls. Wall materials shall be architecturally compatible with the building(s). Screening plan shall be approved by the Planning Division prior to issuance of building permit.
14. The trash enclosure (minimum dimensions of fourteen (14) feet wide by ten (10) feet deep by six (6) feet high) for trash and recycling containers shall be constructed to match the main buildings in color and texture. In addition, the enclosure shall have solid view-obscuring, double swinging gates; must have a flat impervious, concrete slab designed not to allow run-on from adjoining areas; contain attached lids on all trash and recycling containers; and a roof to minimize direct precipitation. Trash enclosures shall be architecturally compatible with the proposed buildings.
15. A Transportation Demand Management (TDM) Plan shall be submitted for review and approval by the City Engineer and Planning Division Director. Said TDM plan may address coordination with local transit districts regarding existing and future bus routes and stops, shuttle service to rail stations and incentives for bus & rail passes. The TDM plan may also include investigations into staggered work hours, carpools, education and financial incentives. The TDM plan shall be implemented at occupancy. The applicant/developer will be responsible for the submission of an annual report consistent with the TDM goals and general strategies for review by the City Engineer and Planning Division Director.

Building Division

16. 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.
17. 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.
18. 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.
19. 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.

20. The handling, storage, use and disposal of hazardous, toxic or flammable materials shall be clearly indicated on all floor 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.
26. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.

Fire Department

27. Provide a technical report of operations for both existing and new facility. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of a registered design professional. Contact the Fire Marshal for a list of approved Consultants.

28. 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 provide a copy of building plans in Geo-Referenced format to be used by the Fire Department for pre-fire planning purposes.
 29. At approval of final building plans, Developer shall contact San Marcos GIS (gis-support@san-marcos.assist.com) to begin the process of creating a Fire Pre-Plan. At 50% of the construction completion process and/or the fire sprinkler hydro test, the Developer shall submit a preliminary GIS pre-plan to show progress. Note: Minor changes to plans made during construction can be corrected at the time of fire inspection.
 30. The project shall include an automatic fire extinguishing system in accordance with the latest adopted California Building Code, California Fire 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. Separate permit/ deferred submittal required.
 31. Fire alarm system shall be installed in compliance with the latest adopted California Fire Code and the most current edition of NFPA 72. Separate permit / deferred submittal required.
 32. Access gate(s) or other devices that may obstruct fire access roadways if proposed now or in the future shall be equipped with a Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure. Access gate shall be a minimum of twenty-four (24) feet wide as determined by the City Fire Marshal.
- D. During the grading and construction phase, unless otherwise noted, the applicant/developer shall comply with the following conditions:

Engineering Inspection Division

1. Prior to any construction activities, a pre-construction meeting shall be held with the Engineering 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. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
11. The project shall comply with Regional Air Quality Standards.
12. A test sample of the proposed exterior colors shall be applied to a mock-up with an area large enough to be representative of the finished color scheme and exposed to direct sunlight. This sample shall be inspected and approved by the Planning Division prior to painting the building. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Director. The applicant/developer shall be responsible to contact the Planning Division for inspection.

Building Division

13. 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.

14. 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.
15. 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.
16. 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

17. 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.).
 18. A legible site address shall be posted and visible from either direction or approach to the project.
 19. Create and implement a written site safety plan in accordance with California Fire Code, Chapter 33. 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, unless otherwise noted, the applicant/developer shall comply with the following conditions:

Land Development Division

1. All improvements shall be completed in accordance with the approved project plans prior to issuance of the first market rate Certificate of Occupancy.
2. All applicable easements and agreements shall be recorded prior to occupancy.
3. 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.
4. 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.
5. Water and sewer improvements in accordance with the project water/sewer study shall be constructed for the project as determined necessary by the applicable water/sewer district(s).
6. 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

7. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade & adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Division Director.
8. All landscaping shall be installed, inspected, and approved by the Planning Division. Landscaping shall be established and flourishing in a healthy manner.
9. 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.
10. The applicant/developer shall disclose to future owners/tenants of the project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors). Disclosure shall be recorded with the County Recorder's Office prior to building

occupancy.

11. The applicant/developer shall comply with the following project mitigation measures regarding transportation:
 - a. MM-TRA-1: Provide Ridesharing Program (CAPCOA T-8). This measure would implement a ridesharing program for employees. The program shall include desirable parking spaces for ridesharing vehicles, adequate passenger loading/unloading and waiting areas for ridesharing vehicles, and an app/website for ride coordination. This measure would reduce up to 2.0% Employee VMT with 50% employee eligibility.
 - b. MM-TRA-2: Provide End-of-Trip Bicycle Facilities (CAPCOA T-10). This measure would install and maintain end-of-trip facilities for employee use, including bike parking, bike lockers, showers, and personal lockers. This measure would reduce up to 0.6% Employee VMT.
 - c. MM-TRA-3: Expand Bikeway Network (CAPCOA T-20). This measure would increase the length of a city or community bikeway network by providing bicycle infrastructure (Class I, Class II, or Class IV). More specifically, the project would construct 0.5 miles of Class II bicycle facilities along South Pacific Street between Linda Vista Drive and West San Marcos Boulevard. This bicycle facility would increase the existing bicycle lane miles within the City of San Marcos from 41.1 miles to 41.6 miles. The bike facility would provide additional opportunities to ride within the City and provide a direct connection between the Class I Bike Paths proposed along Linda Vista Drive and West San Marcos Boulevard. The proposed Class II bicycle lanes would have a 1 ½-foot buffer where on-street parking is allowed and a 3-foot buffer where on-street parking is prohibited. This measure would reduce up to 0.0001% Employee VMT.

Building Division

12. The applicant/developer shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy from the Building Official.

Fire Department

13. Building addresses shall 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).
14. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
15. Knox key boxes shall be provided. A master key for entry to all gates, enclosures and equipment rooms or areas is required. Knox box shall be mounted in an area approved by the fire department at a height of 60-66 inches above grade. Knox box shall be type with side-hinged door.

16. Rooms containing controls for sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for fire department use. Signs shall be constructed of durable materials, permanently installed and readily visible. Reference San Marcos Fire Dept. Standard No. 1403 via website for additional specifications.
17. On-site fire hydrants shall be color coded per NFPA 291. The bottom eight inches of a private fire hydrant shall be painted red. A minimum 3-ft clearance shall be maintained around hydrants. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
18. Fire extinguishers size, type and rating shall comply with most current edition of the California Fire Code, Section 906 (Size 2A:10B:C minimum).

F. Ongoing Advisory Conditions

1. 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.
2. 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.