

RESOLUTION PC 14-4446

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A TENTATIVE PARCEL MAP FOR CONSOLIDATION OF ELEVEN (11) LOTS AND CREATING THREE (3) NEW COMMERCIAL LOTS AND ONE (1) PRIVATE OPEN SPACE LOT IN THE HEART OF THE CITY SPECIFIC PLAN AREA (SPA) IN THE BARHAM/DISCOVERY NEIGHBORHOOD.

TPM 14-002 (P14-0014)
University Holdings II, LLC (Corner@2Oaks)

WHEREAS, an application was received from University Holdings II, LLC (Corner@2Oaks) requesting a Tentative Parcel Map (TPM) to allow the consolidation of eleven (11) lots and create three (3) new commercial lots and one (1) private open space lot in conjunction with a Site Development Plan (SDP 14-005), and a Conditional Use permit (CUP 14-008), located on 19.16 acres, more particularly described as:

Lots 24 and 25 in Block 62 of Rancho Los Vallecitos de San Marcos per Map 806 in the City of San Marcos, County of San Diego, State of California. Assessor's Parcel Numbers: 220-190-11, 23, 24, 28, 37, 40, 41, 43, 47, 51 & 53.

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

WHEREAS, the required public hearing held on December 15, 2015 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 14-009) pursuant to CEQA; and

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

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

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

1. The Tentative Parcel Map is in conformance with the goals, policies, and objectives of the General Plan's Richmar Neighborhood in that the site is compatible, as conditioned, with the land use designation, and will be developed with a both retail and office use.
2. The site is physically suitable for this type of subdivision.

3. The design or improvements will not conflict with any easements acquired by the public at large for access.
4. The design of the subdivision and improvements will not cause public health problems in that water and sanitary sewer services are provided to the site.
5. The design of the subdivision will not cause significant environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant environmental issues or concerns were identified through the environmental assessment prepared for this development.
6. The Tentative Parcel Map, as conditioned, will not be detrimental to the public health, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage are provided.

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

- A. The foregoing recitals are true and correct.
- B. The Tentative Parcel Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. The Planning Commission recommends adoption of ND 14-0009 to the City Council.
- D. The Tentative Parcel Map is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution.
- E. Within ten (10) days after the adoption of this resolution, any person who has written or spoken at the Planning Commission hearing may appeal the foregoing finding of this Commission to the City Council. No final map shall be approved, no grading permit issued, and no building permits issued for permits, other than temporary uses, until after the expiration of the tenth (10th) day following the adoption of this Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.
- F. The approval of this Tentative Parcel Map shall expire within twenty-four (24) months from date of Planning Commission approval. The Final Map, conforming to this conditionally approved Tentative Parcel Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Parcel Map and new processing of the map.
- G. Within 30 days of the approval of Tentative Parcel Map (TPM 14-002), whichever occurs first, the tentative map shall be submitted as an original mylar, along with the a mylar of this resolution as a title page. This title page shall include the statement "I (we), _____, the owner(s) or the owner's representative, have read, understand,

and agree to the conditions of Resolution PC 14-4446." Immediately following this statement shall appear a signature block for the owner(s) or the owner's representative, which shall be signed. Signature blocks for the Project Planner and Project Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.

- H. This Tentative Parcel Map is approved in conjunction with the submitted Site Development Plan 14-005, and all conditions of approval specified in Resolution PC 14-4447; and CUP 14-0008 PC Resolution 14-4448; are hereby incorporated by reference.
- I. Prior to approval of the Final Map, and/or any permit issuances, the following conditions shall be complied with.
 - 1. Prior to Final Map approval, the subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certificate from each of the public utilities and each entity owning easements within the proposed subdivision stating that:
 - a. They have received from the subdivider, a copy of the proposed Final Parcel Map.
 - b. They object or do not object to the filing of the Final Parcel Map without their signature.
 - c. In the case of a street dedication affected by their existing easement, they will sign a "Subordination Agreement" on the Map when required by the Governing Board.
 - 2. The Final Parcel Map shall show the gross and net acreage of all parcels created as well as the number and square footage of each condominium unit. The areas of any private road easements are to be subtracted from gross area. The Tentative Parcel Map shall provide a minimum net lot size of two acres and comply with condominium map standards.
 - 3. The Final Parcel Map shall use the California Coordinate System of 1983 for its "Basis of Bearings" and show two (2) measured ties to Horizontal Control Monuments of said system as shown on City of San Marcos Record of Survey 13928.
 - 4. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of the Tentative Parcel Map.
 - 5. A digital file of the final parcel map submitted is required on a compact disc with an AutoCAD format acceptable to the City.
 - 6. The applicant/landowner shall establish and record Covenants, Conditions and Restrictions (CC&R's) for the proposed project to assure the continued maintenance and operation of all said common areas and improvements as follows:

- 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 owners, and shall continue to operate, maintain and repair such common facilities and improvements.
 - b. The maintenance and operation of said common facilities and improvements for common use and benefit of the project shall be assured through establishment of CC&R's capable of maintaining and operating said common areas, facilities and improvements and providing for the participation by owners of project in the cost and maintenance and operation and the enforcement of such participation. Maintenance responsibilities for utilities, including sewer, water, fire sprinklers, telephone, CATV, and data services shall be defined.
 - c. The City Attorney shall approve the CC&R's or comparable document.
 - d. At the time said Final Map(s) are recorded in the office of the County Recorder, there also shall be recorded a document signed by all persons, firms, and corporations having an interest in the property shown on said Final Maps and by the City of San Marcos. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos, shall provide for the enforcement of its terms by the City of San Marcos, and shall establish for the benefit of all property shown on said Final Maps. Said document shall provide that said restriction shall run with the land and bind all owners of the property shown on said final Maps and their successors for a period of 20 years from the date of recording the restriction, after which time the restriction shall be automatically extended for successive periods of 20 years, unless an instrument signed by a majority of the then owners of the project and by the City of San Marcos has been recorded agreeing to change the restriction in whole or in part.
7. Protective construction fencing shall be shown on the construction drawings to be placed around the limits of grading/construction.
 8. Work crews shall be educated on the sensitive nature of site biological resources.
 9. A biological monitor shall be present during brushing, clearing and grading.
 10. Regulatory permits from the wildlife agencies and Army Corps of Engineers shall be obtained. Conditions of approval are hereby incorporated by reference.
 11. Brushing, clearing and grading shall be avoided during the extended bird breeding season of February 15 through August 31; or if brushing, clearing and grading are to take place during this period, nest surveys must be conducted or approved of by the regulatory agencies prior to such action, and noise levels within 600 feet of California gnatcatcher nests must be less than 60 decibels.
 12. All onsite preserved habitat/mitigation areas shall be identified and placed into a

permanent conservation easement prior to recording map.

13. An updated report for the 2007 geotechnical investigation shall be submitted to the City Engineer for review and approval prior to issuance of a grading permit, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes, infiltration (e.g., percolation rates) and compaction.
14. All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.
15. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to the city's standards, codes and ordinances.
16. Those buildings proposed in the floodway/floodplain will not be issued permits without FEMA approvals.
17. Obtain "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.
18. The project is subject to the approval of the Vallecitos Water District (VWD) and all applicable fees and charges shall be paid to the satisfaction of VWD prior to issuance of grading.
19. 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.
20. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and City's "Urban Street Design Criteria" in effect at the time of project approval.
21. The applicant/developer of the property shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, streetlights, utility undergrounding or relocation, and drainage facilities, as required by the City Engineer.
22. The applicant/developer shall dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map or site plan. 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.

23. Where off-site improvements (e.g., streets, slopes, public utility facilities, etc.) are to be constructed, the applicant/developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant/developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map. If said dedication and easements are not acquired after negotiations between the private parties, the applicant/developer shall submit a written request and provide sufficient information not later than sixty (60) days prior to filing of any final map for approval, in accordance with Section 19.16.110 of the City's of San Marcos Municipal Ordinance, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In any case, the applicant/developer shall be responsible for all costs incurred in acquiring offsite property.
24. San Marcos Boulevard shall be dedicated by the applicant/developer to half width Prime Arterial Street standards along the project frontage, from the project's westerly property line to Pico Ave, with a centerline to right-of-way width of sixty-three (63) feet. A general utility and municipal access easement, along with a public pedestrian access easement to accommodate the relocated North County Transit District bus stop, adjacent to the right-of-way, shall also be granted on the final map. The easement widths shall be to the satisfaction of the City Engineer.
25. San Marcos Boulevard shall be dedicated by the applicant/developer to modified half width Prime Arterial Street standards along the project's frontage, from Pico Ave to the intersection of San Marcos Blvd and Twin Oaks Valley Rd, with a centerline to back-of-curb width wide enough to accommodate two (2) left turn lanes, two (2) thru lanes, two (2) right turn lanes, and a bike lane. A general utility and municipal access easement, public pedestrian access easement, and retaining wall easement adjacent to the right-of-way, shall also be granted on the final map. All widths shall be to the satisfaction of the City Engineer.
26. Twin Oaks Valley Road shall be dedicated by the applicant/developer along the project frontage based on a centerline to back-of-curb right-of-way width of seventy-three and a half (73.5) feet north of the project driveway and centerline to back-of-curb right-of-way width of seventy-five and a half (75.5) feet south of the project driveway. Additional municipal use and public pedestrian access and parkway easement shall be granted behind the right-of-way to the satisfaction of the City.
27. San Marcos Boulevard shall be designed by the applicant/developer to half width Prime Arterial Street standards along the project frontage, from the project's westerly property line to Pico Ave, with a centerline to back-of-sidewalk right-of-way width of sixty-three (63) feet. A general utility and municipal access easement, along with a public pedestrian access easement to accommodate the relocated North County Transit District bus stop, adjacent to the right-of-way, shall also be designed to the satisfaction of the City.
28. San Marcos Boulevard shall be designed to half width Prime Arterial Street standards off-site to the west of the project to a distance satisfactory to the City

Engineer. All pavement sections shall be designed to ultimate structural section.

29. Twin Oaks Valley Road shall be designed by the applicant/developer along the subdivision/project frontage based on a centerline to back-of-curb right-of-way width of seventy-three and a half (73.5) feet north of the project driveway and centerline to right-of-way width of seventy-five and a half (75.5) feet south of the project driveway. The municipal use and pedestrian access and parkway shall also be designed to the satisfaction of the City.
30. San Marcos Boulevard shall be designed by the applicant/developer to modified half width Prime Arterial Street standards along the project's frontage, from Pico Avenue to the intersection of San Marcos Boulevard and Twin Oaks Valley Road, with a centerline to back-of-curb width wide enough to accommodate two (2) left turn lanes, two (2) thru lanes, two (2) right turn lanes, and a bike lane. Public Facilities Fees (PFF) may be credited to the developer for the second right turn-lane, up to the maximum PFF amount allowed for this project design. All pavement sections shall be designed to ultimate structural section.
31. The applicant/developer shall design a fourth lane along the project frontage on Twin Oaks Valley Road. The new curb line shall be set sixty-three (63) feet from the centerline, north of the project driveway, and sixty-five (65) feet from the centerline, south of the project driveway. All pavement sections shall be designed to ultimate structural section.
32. The applicant/developer shall provide a design for the improvements/modifications to the existing traffic signal at San Marcos Boulevard and Pico Avenue to incorporate the project's San Marcos Blvd frontage ingress/egress. Said design shall be in conformance with the City's latest Traffic Signal and Striping Standards.
33. The design of all private drive aisles and drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City of San Marcos Standards based on R-value tests.
34. The applicant/developer shall provide a design for a 7-phase traffic signal and accompanying intersection improvements/modifications at the project's Twin Oaks Valley Road ingress/egress, in conformance with the City's latest Traffic Signal and Striping Standards. The design shall include, but not be limited to, a northbound dual-left turn pocket into the project site and alignment with the existing driveway across the street and existing driveway modifications as necessary. All to the satisfaction of the City Engineer.
35. 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.
36. The applicant/developer shall provide written approval from the property owner of APN 220-420-04 for any improvements within said parcel.
37. The applicant/developer shall identify on the improvement plans the connection to

the existing fiber optic traffic signal interconnect system to coordinate the Twin Oaks Valley Road corridor, from Carmel Street to Richmar Road, in working condition. Including all necessary work such as integration.

38. The applicant/developer shall identify on the improvement plans the connection to the existing fiber optic traffic signal interconnect system to coordinate the San Marcos Blvd corridor, from Tiger Way to Mission Road, in working condition. Including all necessary work such as integration.
39. The improvement plans shall identify the existing pedestrian crossing at the southbound Twin Oaks Valley Road to westbound SR-78 on-ramp to be modified for improved pedestrian access to the satisfaction of Caltrans and the City.
40. The applicant/developer shall be responsible to provide a design to connect the existing fiber optic traffic signal interconnect system to the existing and proposed traffic signals along the project's entire frontage, per the latest City Standards.
41. An in-lieu fee shall be required for actual costs to development a traffic signal timing plan for new traffic signals and/or signal modification(s).
42. The applicant/developer shall pay an in-lieu fee towards the Public Arts requirement per the Heart of the City Specific Plan or install artwork acceptable to the City as an in-lieu fee.
43. A North County Transit District (NCTD) bus bench shall be designed on San Marcos Blvd. The plans shall depict details (e.g., bench, trash can, etc.). The design shall be approved by NCTD, the City Engineer, and the Planning Division Director.
44. 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. The landscape and irrigation for the project's San Marcos Boulevard and Twin Oaks Valley Road frontage shall also be shown as part of the improvement plans in compliance with the City's Landscape and Irrigation Ordinance. All to the satisfaction of the City Engineer and/or the Director of Public Works.
45. The applicant/developer shall design all tree bases along the along the San Marcos Boulevard and Twin Oaks Valley Road frontage to have a base of C.U. Soils, or equivalent. The limits of the C.U. Soils, or equivalent, shall be from face of curb with a width and along the project's frontage, with root barriers, to the satisfaction of the City Engineer.
46. 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, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "Approved" public improvements within a period to be specified in the Subdivision or Development Improvement Agreement.

47. The applicant/developer shall enter into a Subdivision or Development Improvement Agreement with the City to complete the required public improvements within a period specified in the agreement, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
48. The Parcel Map shall indicate that all improvements within the interior of this subdivision designated as private shall remain private and be maintained by an Association, or such other provision for maintenance, which may be subsequently approved by City Council.
49. 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. All on-site lighting systems shall be energy efficient lighting systems.
50. 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.
51. Maintenance of private open space areas and slopes shall be the responsibility of a Merchant Association. All remaining open space lots and slopes that the City agrees to maintain must comply with City's slope criteria for maintenance by the Landscaping and Lighting District, including access (maintenance & fire protection), benching and terrace/drainage requirements as set forth per the City's Grading Ordinance.
52. All private concrete terrace drains shall be maintained by the association (if on commonly owned property) or the individual property owner (if on an individually owned lot). An appropriately worded statement clearly identifying the responsibility shall be placed in the CC&R's and on any appropriate plans and maps.
53. The applicant/developer shall ensure that prospective purchasers sign an assessment disclosure statement fully explaining the fact they are in the City's Landscaping and Lighting District. The disclosure shall indicate what the projected assessments are anticipated to be, both in the near future and at ultimate subdivision build-out.
54. Per Municipal Code Section 19.16.050, the applicant/developer shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding of all utilities fronting, abutting, or within the property with the exception of sixty-nine (69) KVA or greater power lines within the

- site. Overhead power (less than 69 KVA) and other utility lines currently on 69 KVA transmission poles/towers shall be relocated underground along the subdivision boundary.
55. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
 56. 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, trail easement, to avoid reconstruction or modification of same.
 57. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.
 58. Minimum throat stacking distance for all driveways shall be twenty (20) feet (measured from the right-of-way line). The entire twenty (20) foot throat distance shall be designated by a raised curb. This minimum shall be increased as deemed necessary by the City Engineer. Radius-type driveways are required per City standards.
 59. The applicant/developer shall submit a turning template that confirms there will be no conflicts for emergency response vehicles from the frontage public improvements to the interior circulation of the project site.
 60. For commercial areas that share access and/or parking, an unsubordinated reciprocal access and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.
 61. Individual parking spaces shall be a minimum of nine (9) feet wide by eighteen (18) feet depth. The depth may be decreased down to seventeen and one-half (17.5) feet when there is allowable curb overhang onto adjacent landscaped areas. Curb overhang may be allowed adjacent to sidewalks as long as there is a minimum unobstructed sidewalk width of three and one-half (3.5) feet. Otherwise, wheel stops shall be installed to prevent vehicles from hanging over the sidewalk.
 62. In those areas where grading variances are approved, increased development standards for landscape and special grading techniques shall be applied. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.
 63. Since the project proposes to be built in two (2) phases, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Director prior

to approval of the Final Map. The phasing plan may be subject to further conditions. Should the applicant/developer 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 Planning Division Director. Other conditions may be imposed by the City Engineer and Planning Division Director to allow out-of-phase construction.

64. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this site plan.
65. A detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising therefrom shall be submitted in the form of a report.
66. 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.
67. Slopes in excess of twenty (20) feet shall not be permitted by grading activities, except for public roadway construction, unless a variance is first approved by the City.
68. All permanent manufactured fill and cut slope banks shall be constructed at a gradient no steeper than 2:1.
69. 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.
70. 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.
71. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.

72. 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 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.
73. The hydrology report shall include for the proposed project a separate Best Management Practice (BMP) section with all calculations and modeling files, data and assumptions to mitigate for water quality and hydromodification effects in accordance with Order R9-2013-0001. From June 27, 2013 to December 24, 2015, the design standard is the January 14, 2011 City of San Marcos SUSMP. After December 24, 2015, a new water quality and hydromodification mitigation design standard is scheduled to go into effect; therefore, any and all new design and construction for the subject site, between Twin Oaks Valley Road and the westerly property line and between San Marcos Blvd and the San Marcos Creek on the southerly end, shall comply with the R9-2013-0001 permit and the City of San Marcos' current SUSMP.
74. The applicant/developer shall be responsible for mitigating impacts created by changes in drainage runoff course, water quality, hydromodification, 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.
75. The applicant/developer shall provide a municipal access easement over the proposed drive aisles for review and approval prior to recordation of said easement.
76. The applicant/developer shall design a temporary all-weather sixteen (16) feet wide access road from the southern edge of Phase 1 improvements to the San Marcos Creek. A turn-around shall also be included. A municipal access easement shall encompass said easement. All to the satisfaction of the City Engineer.
77. The applicant/developer shall submit Water Quality Improvement Plans (WQIP) to reflect the latest City of San Marcos Storm Water Standards Manual guidelines. Site Design BMP's shall be utilized. The WQIP shall address the Best Management Practices (BMP's) to be utilized. Said WQIP shall be to the satisfaction of the City Engineer.
78. The applicant/developer shall submit to the City for review and approval, a Water Quality Improvement Plan (WQIP) that identifies affected receiving water bodies, applicable water-quality objectives and pollutants of concern, and estimates post-

construction discharge rates (with all BMPs in place) and explains why the projected pollutant loads will not cause a violation of the water quality objectives.

79. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure on-going long-term maintenance of all construction BMPs. Said mechanism shall address maintenance of the BMPs if project delays or abandonment occurs until the site has reached stabilization in accordance with the City's requirements and the General Construction Permit requirements and filed a Notice of Termination with the San Diego Regional Water Quality Control Board (SDRWQCB) with proof of acceptance by the SDRWQCB.
80. The applicant/developer shall submit to the City for review and approval a Water Quality Improvement Plan (WQIP) that includes a combination of site design, source control, treatment control, volume control, LID, and permeable pavement BMPs in accordance with the current water quality and hydromodification mitigation design standards in effect until under Order R9 2013-0001 for on-site as well as off-site (public) improvements. The project landscape architect and building architect shall sign their respective design plans plan certifying that constructed BMP's have been incorporated into the landscape and building plans. A unique BMP ID number, which will be assigned by the City, shall be shown on the WQIP. Said WQIP shall be a separate set of plans incorporated into the grading plan set.
81. The applicant/developer shall submit Water Quality Improvement Plans (WQIP) and calculations that will include Water Quality Treatment, Hydromodification, Site Design, Source Control, LID, and Operation and Maintenance technical summaries to reflect the latest City of San Marcos Storm Water Standards Manual guidelines and California Regional WaterQuality Control Board, San Diego Region, Order No. R9-2013-0001 or current Municipal Stormwater Sewer System (MS4) Permit. Low Impact Development standards and Hydromodification requirements will be applicable. The WQIP shall address the Best Management Practices (BMP's) to be utilized. The applicant is required to demonstrate numeric compliance with Order R9 2013-0001 in accordance to the effective design standard. Said WQIP shall be prepared by a registered civil engineer with required supporting calculations included in a separate section the drainage study and shall be to the satisfaction of the City Engineer.
82. The WQIP shall identify affected and 303(d) receiving water bodies, applicable water-quality objectives (Regional Water Quality Control Board (RWQCB), TMDLS and pollutants of concern for the project type, and estimates post-construction discharge rates (with all BMPs in place) and demonstrate that the project pollutant loads will be treated in accordance with Order R9 2013-001 or current MS4 permit and will not cause a violation of the water quality objectives. The structural treatment and hydromodification controls shall remove project pollutants anticipated to be generated by the project and downstream impaired water bodies listed by the SWRCB 303(d) to a medium removal efficiency or better for the pollutants of concern.
83. The WQIP shall be prepared in conjunction with the grading plans and included as part of the grading plans. Prior to final approval of the grading plans, the grading plans, landscape plans, and building plans shall be reviewed by the City

for substantial conformance with the approved WQIP. Developer shall provide geotechnical permeability confirmation required by the City's current SUSMP for either use of all infiltration BMPs or for not using infiltration BMPs.

84. The applicant/developer shall submit to the City for review and approval a BMP sheet(s) that includes a combination of BMPs in accordance to the City's latest Storm Water Standards Manual requirements and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 or current Municipal Stormwater Sewer System (MS4) Permit. Each structural treatment control BMP shall have the following information listed on the BMP sheet:
- a. Latitude and Longitude
 - b. Maintenance Requirements
 - c. Assessor Parcel Number location for each BMP
 - d. Type of BMP per CASQA classification
 - e. Pollutants removed by each BMP and Efficiency
 - f. Anticipated Project Generated Pollutants
 - g. Downstream Impaired Water Body Pollutants
 - h. Model number, manufacturer, manufacturer phone number, treatment flow, retention times for each BMP
 - i. Area of project treatment for each BMP

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

85. A Water Quality Maintenance Agreement shall be recorded with the County Recorder and proof of the recordation shall be provided to the City. The agreement shall include summaries of water quality/hydromodification facilities and operations & maintenance. Said Agreement shall also address maintenance of the BMP's if project delays or abandonment occurs.
86. The project is in the existing 100-year floodplain of San Marcos Creek. Any development in the 100-year floodplain shall comply with all terms of the City's Flood Damage Prevention Overlay Zone and all FEMA (Federal Emergency Management Agency) regulations and requirements. Processing of a CLOMR-F/LOMR-F will be required for each phase of development.
87. The limits of the 100-year floodplain and floodway of San Marcos Creek shall be shown on all plans and maps per the hydrology/hydraulics report submitted by the applicant/developer and approved by the City Engineer.
88. Encroachment into the 100-year floodway is prohibited unless certification by a registered professional engineer is provided demonstrating that encroachment shall not result in any increase in the flood levels and velocities during the occurrence of the base flood discharge, per the City's Flood Damage Prevention Overlay Zone (Title 20, Chapter 20.76).
89. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any grading or building permit.

90. Reciprocal Private Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lot/s.
91. The applicant/developer shall obtain the appropriate permits and clearance from the U.S. Army Corps of Engineers and/or U.S. Fish and Wildlife Service prior to the issuance of grading permits.
92. The applicant/developer applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.
93. The applicant/developer shall submit proof of coverage under the State Water Resources Control Board General Construction Permit. The Waste Discharge ID number (WDID #) shall be identified on the Title sheet to the Project plans, the grading plans, and the erosion control plans. Coverage under the SWRCB General Construction Permit shall be maintained until the developer has submitted the Notice of Termination (NOT) to the San Diego Regional Water Quality Control Board and received approval of the NOT from the SDRWQCB. The developer shall notify the City Stormwater Program Manager 45 days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the approved WQTR shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City.
94. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.
95. The applicant/developer shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding the grading with dry weather periods, permanent re-vegetation and landscaping as early as feasible, temporary stabilization and reseedling of disturbed soil areas as early as feasible.
96. The applicant/developer shall provide a conceptual design and cost estimate for the following items so a fair share fee can be reviewed and approved by the City Engineer:
 - Triple left turn westbound San Marcos Blvd to southbound Twin Oaks Valley Road.
 - Single right turn southbound Twin Oaks Valley Road to westbound San Marcos Blvd.
 - Re-stripe the eastbound San Marcos Blvd through lanes, at the westbound SR-78/Knoll Rd off-ramp, from two (2) lanes to three (3) lanes.
 - Re-stripe the northbound Knoll Rd off-ramp (from westbound SR-78) to provide a triple left turn and one shared through/right turn lane, or an alternative solution providing the same or better impact relief, acceptable to Caltrans and the City.

J. Prior to any construction, the following conditions shall be complied with:

1. Prior to beginning project construction, the Project Applicant shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.
 2. At least 30 days prior to beginning project construction, the Project Applicant shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a *Luiseño* Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
 3. Prior to beginning project construction, the Project Archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the *contracted Luiseño Tribe referenced in Negative Declaration 14-009 per MM-CR-3*. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required in MM-CR-3, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the *Luiseño Native American monitor* in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. The Tribal monitor shall also attend the cultural resources preconstruction meeting for the project.
- K. During grading operation, the following conditions apply:
1. Based upon the records information and limited field review (Brian Smith, 2007), there remains the possibility that a significant archaeological resource is located within the subject property. Therefore, archaeological monitoring is required during and grading of the subject parcel. In the event that any cultural resources, concentration of artifacts, or culturally modified soil deposits are discovered within the project at any time during construction, all work should be halted near the discovery and a qualified archaeologist should record and evaluate the discovery under CEQA and City criteria.
 2. The project shall retain a qualified archeologist to monitor the site during grading and excavation activities.
 3. The discovery of any resources should be reported to the County prior to evaluation testing. Said artifact shall be protected by construction fencing until direction is received by appropriate agency.
 4. If archeological artifacts are discovered, the archaeological monitor shall be allowed to

temporarily divert the direct grading and excavation to allow recovery of archaeological resources in a timely manner. The archaeologist (or archaeological monitor) shall recover them and provide appropriate recommendation for their treatment and disposition.

5. The City's Municipal Code limits grading activities to the hours of 7:00 a.m. to 4:30 p.m. Monday through Friday. No grading is allowed on weekends or holidays. Other construction activities are permissible between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday. No construction activity is allowed on Sundays and holidays. The City does not have a quantitative noise ordinance limiting sound levels from grading and construction equipment. The City requires that the equipment not violate occupational health and safety standards and that it be in proper working condition.
6. A final archeological report shall be submitted within 3 months after work is completed to appropriate regional archeological Information Center.
7. A qualified archeological monitor and a *Luiseño* Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
8. 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.
9. The project applicant shall include a qualified archeologist at the pre-grading meeting to increase the project workers awareness of the potential for uncovering resources, and explain the procedures to follow if any are found. The paleontological and archaeological monitors shall be provided with a grading plan and schedule prior to commencement of grading and excavation.
10. 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.
11. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
12. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
13. 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.
14. The City may order work stopped by written notice when the project violates the Grading Ordinance and/or City's Storm Water Management Program. No work shall be allowed on the project until the City authorizes the work to proceed.
15. During construction, the owner/developer/contractor shall implement and maintain the

storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

16. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or holidays observed by the City of San Marcos. Failure to comply with result in the issuance of citations. Citations require a mandatory court appearance in North County Superior Court and courts cost up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place too insure that hours of work violations will not occur.
17. During grading and construction operations, the applicant/developer shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
18. 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.
19. The applicant/developer shall construct desiltation/detention basins and erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (October 1 through May 1). Each such basin shall be provided with an all-weather access/maintenance road.
20. The applicant/developer shall ensure that the grading and other construction activities meet the provisions specified in the California RWQCB, San Diego Region, Order 2007-01, NPDES No. CAS0108758 – Section F.2.
21. The or applicant/developer shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
22. The applicant/developer shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans an in the SWPPP.
23. The applicant/developer shall minimize exposure time of disturbed soil areas.
24. During construction, the City will inspect the site from various view corridors to determine if additional architectural screening is required for roof equipment. Anticipating that screening will be required, the applicant will be required to provide architectural screening solutions to be reviewed and approved by the City.

25. Slopes and areas adjacent to parking will be irrigated and landscaped to eliminate the potential for sediment transport from the project site.
 26. The contractor, permittee, or project owner shall be responsible for continual maintenance of erosion control devices as shown on the erosion control plan or per City Standards. The City may revoke the grading permit for noncompliance with the city's Storm Water Management Program. The permits shall not be renewed until the erosion control system complies with City Standards.
 27. The proposed post-construction BMPs will reduce, to the maximum extent practicable, the expected pollutants, and will not adversely impact the beneficial uses or water quality of the receiving waters.
 28. The desilting and infiltration basin as well as other approved post construction BMP's will provide an effective mechanism to control or treat the anticipated and potential pollutant runoff from the site to the maximum extent practicable.
 29. In order to prevent inadvertent indirect impacts to biological resources during construction, protective fencing shall be installed around the limits of grading/construction, work crews shall be educated on the sensitive nature of the site's biological resources, and a biological monitor shall be present during brushing, clearing and grading.
- L. Prior to the issuance of building permits, the following conditions shall be complied with:
1. The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) have been in substantial conformance with the approved plans, reports, and standards.
 2. Building permits shall not be issued for projects that violate the City's grading ordinance and Storm Water Management Program.
 3. All grading shall be supervised by a Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
 4. Minimize possible damage to structures resulting from swelling and shrinkage of these materials, by having building on footings that extend deeper than would normally be recommended and the building floor slabs, as well as adjoining exterior slabs, should be supported on a layer of low-expansion potential, imported fill material. To preclude the potential for excessive total and differential settlements resulting from compression of the residual topsoil, it shall be partially removed and re-compacted.
 5. The applicant/developer shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following

Community Facilities Districts (CFD):

- a. CFD 98-01, Improvement Area No. 1, Police Only
- b. CFD 2001-01, Fire and Paramedic
- c. CFD 98-02, Lighting and Landscape
- d. CFD 2011-01, Congestion Management

Additionally, a special Improvement area shall be formed with respect to CFD 98-02 for the ongoing maintenance services provided by the city for improvements being installed above and beyond the City standards, for a fee of \$12,500 to be paid by the developer and installed by the developer as shown on the Special Improvement Area Exhibit (Boundary Map to be included). No permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation the [developer/applicant] 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 Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

6. The applicant/developer shall provide the City Engineer a copy of the State Water Resources Control Board permit issued for the project under the NPDES General Permit.
7. This project is subject to payment of the public facilities fee established by San Marcos Ordinance No. 99-5197 and Resolution 99-5797. The amount of the fee shall be determined based upon the fees in effect at the time of issuance for each building permit for construction within this project.
8. The base lift of asphalt on all roads serving the area under construction shall be completed.
9. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks. A comprehensive grading plan shall be submitted and approved by the City Engineer and Planning Director prior to the issuance of a building permit.
10. All proposed structures shall be designed to adequately transmit to the foundation the dynamic lateral forces developed in the building in accordance with the engineering requirements of the latest adopted California Building Code and the Uniform Building Code, Volume II, as adopted by the City of San Marcos.
11. For each phase of the project, a combination of different BMP's including a water quality basin will provide an effective treatment mechanism per phase to mitigate for the anticipated and potential pollutant runoff from the site.
12. University District Holdings I shall enter into a maintenance agreement (on behalf of future owners) with the City of San Marcos to secure the on-going maintenance of the post construction BMP's set forth in the Water Quality Technical Report. The property owner will be responsible to submit an operation and maintenance procedure to the City.
13. An automatic fire extinguishing system for the proposed building shall be required in

accordance with the latest adopted Building Code and shall be installed per the National Fire Protection Association standards.

14. The applicant or property owner shall comply with the requirements of the latest adopted Community Facilities District (CFD) for the payment of Police and Fire/Paramedic facilities and services. Prior to the issuance of Building Permits, the applicant or property owner shall pay an estimated amount to the City of San Marcos to satisfy the requirements.
15. The proposed garage improvement is subject to the requirements of the latest adopted Building Code and Model Codes.
16. This development is subject to the approval of the San Marcos Unified School District and the payment of school fees in accordance with Government Code section 53080.
17. Plan submittals are to be prepared and signed by a licensed Architect or Engineer as required by the California Business and professions Code.
18. The applicant/property owner shall comply with all rules, regulations, and design requirements of the Vallecitos Water District regarding sewer and water services to the project.

M. Prior to occupancy, the following conditions shall be complied with:

1. The process of annexation of the subject property into the Community Facilities Districts, CFD 98-01, CFD 2001-01, CFD 98-02, and 2011-01 shall be completed.
2. Separate gas and electric meters shall be provided to the individual suites.
3. Individual water shutoff valves to each suite shall be provided to allow for repairs without interrupting water service to other suites.
4. Disabled access shall be provided to each condominium entrance at grade level and to all suites in buildings with elevators. Each condominium unit shall have at least (1) restroom in compliance with ADA and Title 24 standards.
5. Each condominium unit shall have independent heating and air conditioning systems that allow the occupant full control over the conditioned space.
6. All improvements shown on the improvement plans, as approved by the City Engineer for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Development Improvement Agreement for this project.
7. San Marcos Boulevard shall be constructed to half width Prime Arterial Street standards off-site to the west of the project to a distance satisfactory to the City Engineer. All pavement sections shall be designed to ultimate structural section.
8. San Marcos Boulevard shall be constructed by the applicant/developer to half width Prime Arterial Street standards along the project frontage, from the project's westerly property line to Pico Ave, with a centerline to back-of-sidewalk right-of-way width of sixty-three (63) feet. The North County Transit District bus stop shall also be installed. All pavement

sections shall be constructed to ultimate structural section. All as approved by the City Engineer.

9. San Marcos Boulevard shall be constructed by the applicant/developer to modified half width Prime Arterial Street standards along the project's frontage, from Pico Ave to the intersection of San Marcos Blvd and Twin Oaks Valley Rd, with a centerline to back-of-curb width wide enough to accommodate two (2) left turn lanes, two (2) thru lanes, two (2) right turn lanes, and a bike lane. The pedestrian access and parkway shall also be constructed. All pavement sections shall be constructed to ultimate structural section. All as approved by the City Engineer.
10. Twin Oaks Valley Road shall be constructed by the applicant/developer along the project frontage based on a centerline to back-of-curb right-of-way width of seventy-three and a half (73.5) feet north of the project driveway and centerline to back-of-curb right-of-way width of seventy-five and a half (75.5) feet south of the project driveway. The municipal use and pedestrian access and parkway shall also be constructed as approved by the City Engineer.
11. The applicant/developer shall construct a fourth lane along the project frontage on Twin Oaks Valley Road. The new curb line shall be set sixty-three (63) feet from the centerline, north of the project driveway, and sixty-five (65) feet from the centerline, south of the project driveway. All pavement sections shall be constructed to ultimate structural section.
12. A North County Transit District (NCTD) bus bench shall be installed on San Marcos Blvd, as approved by the City Engineer.
13. Applicant/developer shall install all tree bases along the along the San Marcos Boulevard and Twin Oaks Valley Road frontage with a base of C.U. Soils, or equivalent. The limits of the C.U. Soils, or equivalent, shall be from face of curb with a width and along the project's frontage, with root barriers, as approved by the City Engineer.
14. Frontage landscaping including hardscape shall be completed prior to occupancy of the first building.
15. The applicant/developer shall install the improvements/modifications to the existing traffic signal at San Marcos Boulevard and Pico Avenue to incorporate the project's San Marcos Blvd frontage ingress/egress. Said installation shall be in conformance with the City's latest Traffic Signal and Striping Standards. All as approved by the City Engineer.
16. The applicant/developer shall install a 7-phase traffic signal and accompanying intersection improvements/modifications at the project's Twin Oaks Valley Road ingress/egress, in conformance with the City's latest Traffic Signal and Striping Standards. The installation shall include, but not be limited to, a northbound dual-left turn pocket into the project site and alignment to the existing driveway across the street, with existing driveway modifications as necessary. All as approved by the City Engineer.
17. The applicant/developer shall be responsible to connect to the existing fiber optic traffic signal interconnect system to coordinate the Twin Oaks Valley Road corridor, from Carmel Street to Richmar Road, in working condition, including all necessary work such as integration.

18. The applicant/developer shall be responsible to connect to the existing fiber optic traffic signal interconnect system to coordinate the San Marcos Blvd corridor, from Tiger Way to Mission Road, in working condition, including all necessary work such as integration.
19. The existing pedestrian crossing at the southbound Twin Oaks Valley Road to westbound SR-78 on-ramp shall be modified to include a pedestrian push button crosswalk, striping, and advanced warning signage, as approved by the City Engineer and Caltrans.
20. The applicant/developer shall construct a temporary all-weather sixteen (16) feet wide access road from the southern edge of Phase 1 improvements to the San Marcos Creek. A turn-around shall also be constructed. All as approved by the City Engineer.
21. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines.
22. The applicant/developer shall pay for and install all street name signs and traffic control devices fronting and within the project. The developer shall also post "No Parking" signs. All traffic control devices will be placed according to a plan prepared by the applicant/developer and approved by the City Engineer and the Director of Public Works.
23. "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.
24. 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.
25. The applicant/developer shall submit all as-builts and engineering documentation to the City and all fees required by FEMA for processing a Letter of Map Revision (LOMR).
26. The applicant/developer shall submit for City review and approval, plans showing site design, source control and treatment BMPs in place and a certified letter noting the implementation plans for said BMPs.
27. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure ongoing long-term maintenance of all structural post-construction Best Management Practices (BMPs).
28. All post construction structural BMPs shall be shown in detail on the construction plans and submitted to the City for review and approval.
29. The applicant/developer shall stabilize all slopes per a City approved method.
30. Slopes and areas adjacent to parking will be irrigated and landscaped to eliminate the potential for sediment transport from the project site.

31. The applicant shall install fire hydrants to the satisfaction of the San Marcos Fire Department.
 32. All landscape frontages including sidewalks and plaza shall be completed.
 33. A digital disk of all drawings and maps is required on a CD. Said files shall be in an Autocad format acceptable to the City of San Marcos. In addition, electronic files of the project reports (i.e. soils report, drainage study, SWPPP, Water Quality Technical Report, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. A Mylar of the map, after recordation is also required. The applicant/developer shall submit a conformed mylar copy of the recorded final parcel map.
- N. The alignment and terminal point of storm drains shown on the site plan shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.
 - O. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
 - P. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
 - Q. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.
 - R. Landscape maintenance for publicly dedicated open space, multi trail systems, and parks shall be accomplished by the applicant/developer for a minimum period of two (2) years, which may be extended, until such time as accepted into CFD 98-02. Prior to acceptance by the City, the applicant/developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.
 - S. The applicant/developer shall maintain all CFD projects as defined by the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period,

Developers shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 15th day of December, 2014, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairperson
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 14-4447

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A SITE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF PHASE 1 OF A RETAIL CENTER CONSISTING OF A FOUR-STORY HOTEL, A THREE-STORY CLASS "A" OFFICE BUILDING AND SINGLE STORY RETAIL/RESTAURANT BUILDING LOCATED IN THE TOWN CENTER PORTION OF THE HEART OF THE CITY SPECIFIC PLAN AREA OF THE RICHMAR NEIGHBORHOOD

CASE NO.: SDP 14-005 (P14-0014)
University District Holdings II, LLC (Corner@2Oaks)

WHEREAS, an application was received from University District Holdings II, LLC, requesting approval of a Site Development Plan to construct a Phase 1 commercial/office center on 19.16 acre site, located at the SWC of Twin Oaks Valley Road & San Marcos Boulevard, more particularly described as:

Lots 24 and 25 in Block 62 of Rancho Los Vallecitos de San Marcos per Map 806 in the city of San Marcos, County of San Diego, State of California. Assessor's Parcel Numbers: 220-190-11, 23, 24, 28, 37, 40, 41, 43, 47, 51 & 53.

WHEREAS, the Development Services Department did study said request and does recommend approval of the Site Development Plan except as modified herein; and

WHEREAS, the required public hearing held on December 15, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, a Mitigated Negative Declaration (ND 14-009) was considered pursuant to the California Environmental Quality Act (CEQA); and

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

1. With the proposed conditions, the proposed Site Development Plan 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 use is permitted by right or allowed pending approval of a condition use permit (hotel) and that there will be adequate public facilities and infrastructure including road widening, fire, water, and drainage services provided.
2. The project will conform with the City adopted General Plan and all provision of the Zoning Ordinance in that the project conforms to all standards specified in the SPA/Town Center zone.

NOW THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. Negative Declaration 14-009 is hereby approved.

AGENDA ITEM
3

3. The Planning Commission approval of the Site Development Plan is subject to the following conditions:
 - A. The following revisions shall be made to the site plan prior to submittal of building plans:
 1. The public sidewalk and designated pedestrian pathways shall comply with ADA requirement per Title 24.
 2. The proposed building must maintain a minimum five (5) foot clearance from the underground storm drain.
 3. Perpendicular parking stalls must be 9 feet wide by 18 feet deep. Parking stalls are not allowed to overhang onto pedestrian sidewalks that would interfere with Title 24 ADA clearance.
 4. The enhanced pedestrian plaza fronting the street in the northeast corner of the site shall incorporate a variety of architecturally integrated and scored color concrete, ornate landscaping and enhanced street furniture subject to final review and approval by the City.
 5. The site shall be designed with enhanced pedestrian pathways leading from the enhanced pedestrian plaza on the southwest corner on the intersection of San Marcos Boulevard and Twin Oaks Valley Road into the commercial/office center. The enhanced pedestrian pathways will include architectural and landscape features as approved by the City.
 6. The two pedestrian pathways leading from the one story retail building towards the west property line and from the hotel pad towards the south (Phase 2) shall include a decorative metal trellis portals with clinging vines and decorative lighting. A design shall be submitted to the Planning Division for final review and approval prior to issuance of a building permit.
 7. The enhanced paving design at the main entrance at Twin Oaks Valley Road shall be extended the full throat of the driveway entrance. The enhanced pavement shall not encroach into the city's public right-of-way line and shall be clearly drawn on the site plan/improvement plans. The developer shall provide a sample of the paving for review and approval by the City prior to issuance of building permits.
 8. Identify the ultimate right-of-way of Twin Oaks Valley Road and San Marcos Boulevard.
 9. Identify existing property lines and proposed property lines with dimensions.
 10. Left turns into the site along the San Marcos Blvd. frontage from a westbound San Marcos Blvd. direction shall be removed.
 11. The Twin Oaks Valley Road driveway shall be shown without the planted median.
 12. Site plan design conditions for the hotel are addressed in CUP 14-008, PC Resolution 14-4448. No permits for the Lot 1, per TPM 14-002 will be issued until the applicant submits proof to the City that a hotel franchise agreement has been executed and the hotel has been approved by corporate.
 - B. Prior to the submittal of the final architectural elevations, the following conditions shall be complied with:
 1. The elevations submitted for the three story office building and the one story retail building are not intended as final design by the applicant. The following comments to the architecture shall be addressed upon receiving the future

submittal. Final design of the buildings shall be approved by the City prior to issuance of building permits.

2. The center's design shall be architecturally compatible with the Town Center Area. Below are general comments based on the current elevations. Although these elevations will not be utilized by the applicant, the comments are intended for design considerations in the next submittal.
3. Three-Story Office Building (39,674 square feet)
 - a. **North Elevation:**
 - 1) Remove the blank surface on the right side (2 & 3 floor) of this elevation and replace with a stone or comparable architectural enhancement.
 - 2) Architecturally enclose the exposed walkway on the third floor and designed internal to the building.
 - 3) Raise the parapet to a sufficient height to screen roof equipment roof equipment.
 - 4) Modify canopies to provide a different architectural look complimentary to the surrounding architecture.
 - 5) Create an architectural variation in the roof plane.
 - b. **South Elevation:**
 - 1) Stairwells shall be designed internal to the building.
 - 2) Create a variation in the roof plane & increase height of parapet for screening roof equipment.
 - c. **West Elevation:**
 - 1) Enclose the exposed stairwells with a architectural tower element.
 - 2) Modify elevation with a similar office storefront glazing design found on the east elevation.
 - 3) Create a variation in the roof plane & increase height of parapet for screening roof equipment.
 - 4) Reduce the amount of blank wall space with an architectural solution for visual interest.
 - d. **East Elevation:**
 - 1) Create a variation in the roof plane & increase height of parapet for screening roof equipment.
 - 2) Architecturally enclose the expose walkway on the third floor and design to be internal to the building.
4. One-Story Retail Building (8,031 square feet)
 - a. **North Elevation:**
 - 1) Modify the parapet by adding an architectural detail with a cornice cap.
 - 2) Modify canopies to provide a different architectural look.
 - 3) Smooth cement plaster shall be replaced with a smooth acrylic finish.
 - b. **South Elevation:**

- 1) Modify the parapet by adding an architectural detail with a cornice cap.
 - 2) Modify canopies to provide a different architectural look
 - 3) Smooth cement plaster shall be replaced with a smooth acrylic finish.
 - c. **West Elevation:**
 - 1) Modify the parapet by adding an architectural detail with a cornice cap.
 - 2) Modify canopies to provide a different architectural look.
 - 3) Smooth cement plaster shall be replaced with a smooth acrylic finish.
 - d. **East Elevation:**
 - 1) Modify the parapet by adding an architectural detail with a cornice cap.
 - 2) Modify canopies to provide a different architectural look
 - 3) Increase storefront glazing facing Twin Oaks valley Road.
 - 4) Smooth cement plaster shall be replaced with a smooth acrylic finish.
5. The architectural requirements for the 116 room hotel are conditioned in CUP 14-008 per PC Resolution 14-4448. The hotel shall be constructed in Phase 1.
6. Phase 2 architectural elevations and site plan are not approved and shall be consistent with the overall architectural theme established by Phase 1 pending final review and approval by prior to issuance of building permits.
7. General architectural conditions:
 - a. The three story office building shall be designed and built as Class A office building.
 - b. Building material shall be different but complimentary to the hotel design.
 - c. All exterior building materials & colors will be called out on plans pending final approval by the City.
 - d. Submit a lighting fixture plan and details. Exterior building lights shall consist of architectural sconces that blend with the character of the building. Type of light shall be indicated and shall be low wattage to uplift the stone veneer columns.
 - e. Location and size of signs shall be approved under a comprehensive sign program.
 - f. All windows shall be recessed.
 - g. There shall be no exposed roof ladders.
 - h. There shall be no exposed rain gutter/downspouts.
 - i. All building stucco surfaces shall have a smooth acrylic finish like the other buildings in the Town Center. Samples of the acrylic finish and color shall be submitted to the City for approval.
 - j. All roof equipment shall be selected so that once installed it will not be visible from the public street or the adjacent apartment complex.

- k. All backsides of parapets will consist of same finish and color as face of building. All roof equipment will be painted to match color of parapet.
 - l. Prior to approval of building permits, the developer shall provide description and samples of all exterior material, textures, and color subject to final review and approval by the City. Prior to application of any texture or color on any building, the developer will provide a 10' x 10' color and texture block on the surface of the building to be reviewed and approved by City.
 - m. The trash enclosures shall be designed with a cornice and landscaped metal trellis to match the other center buildings.
 - n. The on-site parking lot lighting shall consist of an energy efficient lighting system.
 - o. Additional shielding may be required on exterior lights visible from the adjacent apartment complex.
- C. The following revisions shall be made to the landscape plans prior to submittal of building permits:
 - a. A full set of landscape plans shall be created that separate the private landscape area from the community facility district (CFD) landscape area.
 - b. A revised landscape and irrigation plan will be prepared by a recognized and licensed design professional and shall be submitted to the City of San Marcos for review and approval with the following changes made to the landscape plan.
 - c. Contingent of an approved construction phasing plan, all slopes will be irrigated and planted in Phase 1 unless noted on the approved landscape plans prior to first occupancy.
 - d. Landscaping palette shall be consistent with the overall landscape theme for the Corner@2Oaks commercial center.
 - e. A minimum mature 36-inch box trees shall be required along San Marcos Boulevard and Twin Oaks Valley Road. The final approved landscape plans shall specify actual tree height, canopy width and caliper at time of actual planting.
 - f. All trees along the San Marcos Boulevard and Twin Oaks Valley Road frontage shall have a base of C.U. Soils, or equivalent. The limits of the C.U. Soils shall be from face of curb with a width and along the frontage with root barriers as determined by the Public Works Director.
 - g. Landscape architect shall redesign plans to include appropriate tree selection (with adequate separation & bio barrier) along San Marcos Boulevard spaced at 30 feet on center. Landscape on Twin Oaks Valley Road needs to be evaluated in attempt to mirroring the other east side. The slopes and narrow flat area will be evaluated to achieve an acceptable design subject to final review and approval by the Planning Division.
 - h. The proposed Washingtonia palm accent trees shall be replaced with dactolyfria palms, placed at the main entry points, in an arrangement and height that is reviewed and approved by the Planning Division.
 - i. Fraxnus Uhdei, Platanus (Raceimosa), Tipuana Tpu, Liquidamber Styraciflua, and Plantanus Racemosa are problematic trees and shall not be used to avoid hardscape failure issues. A revised plan shall be

submitted showing replacement trees, their exact placement and precautionary measures to avoid damage. Ceanothus Species are short lived and shall be replaced with plant. Revisions subject to final review and approval by the Planning Division prior to issuance of building permits.

- j. Extend the enhanced driveway paving the entire distance of the landscape throat.
- k. Detail the accent pavement to be used on the project. Submit a sample for approval by Planning Division.
- l. Provide acid finish on all concrete sidewalks that are not hardscape.
- m. The City shall verify how many existing street trees will be affected or removed by the required street improvements. Said trees shall be replaced at a 3:1 ratio with 36-inch box trees or as defined on the approved landscape plan. The ratio could be reduced if a larger tree specimen is presented agreeable to the city. Remaining trees shall be relocated elsewhere in the City's public right-of-way or placed in a City park.
- n. All plant material shall be maintained in a healthy and disease-free growing condition at all times. All required planting areas shall be maintained free of weeds, debris and litter. The long-term maintenance of the project shall be the responsibility of the owner. Disease or dead plant material shall be properly removed and replaced with equal or better specimen.
- o. The project landscape architect will be responsible to incorporate all storm water design elements as part of the final landscape plan.
- p. A signature block will be provided on the landscape plans for the project biologist who will sign these plans to ensure all environmental mitigation measures are incorporated.
- q. A signature block will be provided on the landscape plans for the licensed landscape architect certifying the proposed landscape design complies with the requirements of the Water Quality Improvement Plan (made a part of the grading plans) and Order R9-2013-0001.
- r. Frontage landscaping including hardscape shall be initiated after completion of grading and completed prior to occupancy of the first building.

D. Prior to any construction activity, the following conditions shall be complied with:

- 1. The applicant/builder/contractor 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.

E. Prior to the issuance of the grading permit, the following conditions shall be complied with:

- 1. The applicant/developer shall provide detailed information for the project frontage trees with a base of C.U. Soils, or equivalent, to the satisfaction of the City Engineer.

F. Prior to Issuance of a building permit, the following conditions shall be complied with:

1. The revised site plan, landscaping plan, architectural elevations, etc., they shall be submitted as an original mylar along with a mylar of this resolution as a title page. This title page shall include the statement, "I(we), _____, the owner(s) or the owner's representative, have read, understand and agree to the conditions of Resolution PC 14-4447." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.
2. The Mid-Rise Ordinance shall apply to the proposed hotel & office building. This Ordinance is found in San Marcos Municipal Fire Code section 17.64.210
3. The following fire protection and life safety systems are required by the Mid-Rise ordinance and shall be installed in Hotel:
 - a) Fire sprinkler system required throughout.
 - b) Class-I, wet standpipes required in each stairwell and on roof level (top of each stairwell).
 - c) Fire Department standpipes and fire sprinkler systems shall be wet-pipe and shall have interconnected Fire Department Connections.
 - d) Fire Alarm System Required.
 - e) Fire Command Room required
 - f) Monitoring of waterflow devices are both required.
4. A fire sprinkler system is required for both the office building and the retail building.
5. A fire alarm system is required for hotel and office building.
6. All new buildings (applies to Hotel and Office building) shall have approved radio coverage within the interior of the proposed buildings for emergency responders and shall comply with 2013 CA. Fire Code and San Marcos Fire Department requirements. Radio coverage and signals within all building(s) interiors shall be at minimum equal to that of the building exterior of all buildings in this development area and be consistent with radio coverage in the City. A licensed and reputable consultant with expertise in evaluating and measuring emergency fire department communications shall be retained and shall provide a technical report that addresses specific emergency communication requirements for this development and shall meet San Marcos Fire Department criteria. The consultant used for this study shall be approved by San Marcos Fire Marshal or designee.
7. Provide two separate means of emergency vehicle access to project area. All Access Roads shall meet following criteria: a) be minimum 24 feet wide. b) Provide adequate turn radius to accommodate all frontline and reserve fire apparatus. c) be an all weather design, support the imposed loads of fire apparatus not less than 75,000 pounds or 32,000lb single axle loading. Note: Access roads separated by medians shall have a minimum 12 foot wide drive lane in each direction. Wider lanes may be required to accommodate fire apparatus.
8. Any roads 24 feet or less in width are required to be posted with 'No Parking -Tow Away Zone' signs approved by the fire department.
9. Fire hydrants with an adequate water supply must be installed on streets and/or between buildings. The type of hydrants installed shall be Jones, with two, 4 -inch outlets & one, 2 ½ -inch outlet. Fire flow (GPM) requirements and duration of fire flow for each building are based on building size and construction type and will be determined at later date.
10. Provide address numbers for each structure in two areas on each building.

11. Knox Boxes, Knox Key switches and master keys will be required for each structure.
12. A Fuel Management Plan is required. A 150' fuel modification is required from all sides of all structures to the satisfaction of the Fire Marshal. Provide the legal easement documentation form all appropriate adjacent property owners.
13. Plans shall be provided on AutoCad for use by fire dept. for pre-fire planning purposes.
14. 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.
15. 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.
16. 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.
17. The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution Number 2008-7007. The fee is based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
18. 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. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The developer shall inform the new owners that they own the mailboxes and are responsible for replacement.
19. 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.
20. 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.
21. 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.
22. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.
23. 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.
24. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.

G. During construction, the following conditions shall be complied with:

1. 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.

2. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
3. 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.

H. Prior to Occupancy the following conditions shall be complied with:

1. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
2. 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.
3. 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.
4. The existing bus stop and shelter shall be relocated along San Marcos Boulevard to the satisfaction of North County Transit District and the City Engineer. The bus shelter shall be the standard bus shelter design provided throughout the City.

I. 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 SDP 14-005; (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 SDP 14-005, but shall survive in perpetuity.

J. The three-story Class "A" office building in Phase 1 shall be constructed at the same time as the retail stores in Phase I.

- K. This Site Development Plan is approved in conjunction with the submitted CUP 14-008 Resolution PC 14-4448 and all conditions of approval specified in TPM 14-002 PC Resolution 14-4446; are hereby incorporated by reference.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 15th day of December, 2014 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairperson
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 14-4448

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR CONSTRUCTION OF A 116 ROOM HOTEL ON A NEW 2.14 ACRE PARCEL AS DEFINED ON TPM 14-002 LOCATED IN THE RICHMAR NEIGHBORHOOD

CASE NO. CUP 14-008 (P14-0014)
University District Holdings II, LLC (Corner@2Oaks)

WHEREAS, an application was received from University District Holdings II, LLC requesting a Conditional Use Permit for construction of a 116 room hotel located at the southwest corner of Twin Oaks Valley Rd. & San Marcos Blvd. within the "Corner@2Oaks" commercial center, more particularly described as:

Lots 24 and 25 in Block 62 of Rancho Los Vallecitos de San Marcos per Map 806 in the City of San Marcos, County of San Diego, State of California. Assessor's Parcel Numbers: 220-190-11, 23, 24, 28, 37, 40, 41, 43, 47, 51 & 53.

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

WHEREAS, the required public hearing held on December 15, 2014, was duly advertised and held in the manner prescribed by law; and

WHEREAS, the proposed drive thru pad was considered under a Negative Declaration for said request (ND 14-009), pursuant to CEQA and based on the findings of no environmental impacts; and

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

1. The proposed 116 room hotel with staff's modification will not adversely affect the General Plan in that the proposed hotel is a permitted use with approval of a Conditional Use Permit in the SPA/Town Center zone. The proposed design, as conditioned, is harmonious with the architectural character of the center and the surrounding retail projects.
2. The proposed 116 room hotel with staff modification will not be materially detrimental to the public health, safety, or welfare or injurious to the property or improvements in such vicinity and zone in which the property is located in that the proposed hotel will comply with all conditions, such as provide sufficient parking, and controlled access points through the retail center as approved by SDP 14-005 including all mitigation as defined in ND 14-009.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.

AGENDA ITEM

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2. The modification to Conditional Use Permit is approved subject to compliance with the following conditions:
 - A. Prior to reliance on this CUP or issuance of any permit, the following conditions shall be complied with:
 - 1) The applicant shall submit to the City a hotel franchise agreement that has been executed with the Marriott Corporation.
 - 2) Undergrounding must accommodate the undergrounding of all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. The Applicant shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the City. 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. The developer will be required to acquire proper clearance and approval from all utility companies in which relocation of utilities is proposed or required. A design solution shall be reviewed and approved by the City prior to issuance of any permits.
 - B. The site plan shall be modified per the following conditions prior to submittal of building plans:
 - 1) Plans currently show a rock garden along the frontage of the site that shall be replaced with a revised hardscape design to be submitted for review and approval by the City.
 - 2) Provide a revised design concept for the corner plaza on San Marcos Boulevard and Twin Oaks Valley Road in a enlarge scale drawing that identifies plaza amenities available for the public with focus towards the project buildings and the retail space, not the intersection. The plaza design needs to create a comfortable usable sidewalk framing the public space that links to the interior plaza amenities. Pending final review design review and approval by Planning.
 - 3) All public sidewalks shall comply with ADA requirements per Title 24.
 - 4) The proposed building must maintain a minimum five (5) foot clearance from the underground storm drain.
 - 5) Perpendicular parking stalls must the minimum be 9 feet wide by 18 feet deep. Parking stalls are not allowed to overhang onto pedestrian sidewalks.
 - 6) Additional direct downward shielding on exterior lights with no spillover may be required on exterior lights visible from the adjacent apartment complex.
 - 7) All two-way access shall have a minimum surface width of 24 feet free and clear. All one-way access shall have a minimum surface width of 16 feet free and clear.

- 8) Identify locations for delivery loading and unloading that shall meet the minimum 12 feet by 30 feet depth with a 14 foot vertical clearance.
- 9) The site plan shall be revised to include a pedestrian connection from the public sidewalk that safely connects with the internal pedestrian sidewalk as approved by the City. The internal pedestrian sidewalk shall extend east to west from the one story retail building towards the west property line. The second internal pedestrian sidewalk shall extend north and south from the hotel towards the south in phase 2. There shall be pedestrian connections consisting of enhanced integral color concrete that meet ADA requirements.
- 10) Develop shall install necessary equipment to provide Wi-Fi access for the general public outdoor areas.
- 11) Show placement of all fire hydrants where required by the Fire Marshal. The design shall include an available water source and supply, acceptable to the Fire Marshal.
- 12) Detector checks must be strategically placed allowing full access by the fire department and maintenance while allowing adequate screening to the satisfaction of the City.
- 13) Sewer and water utilities shall be wholly on the lot which serves the building in accordance with the latest edition of the California Plumbing Code.
- 14) The developer shall provide one (1) conductive and one (1) inductive charging station including design details and location of all associated equipment requirements.
- 15) Per SMMC Chapter 20.340, Level 3 charging stations/spaces shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
 - a. Per SMMC Chapter 20.340, Level 3 charging stations/spaces shall be sited within parking areas to discourage non-electric vehicle use.
 - b. Per SMMC Chapter 20.340, Level 3 charging stations/spaces shall not interfere with on-site parking or pedestrian circulation.
 - c. Per SMMC Chapter 20.340, Level 3 charging stations/spaces shall be maintained in functioning order in all respects.
- 16) Unique accent lighting should be used to feature architectural elements, landscaping, entrances, and pedestrian areas, so long as it is compatible with other architectural lighting.
- 17) Any outdoor dining located in the public right of way will require approval of an encroachment permit prior to any use.
- 18) A scaled enlarged plan showing the details and description of all proposed hardscape treatment through the site and within the City right-of-way shall be provided for review and approval by the City.
- 19) Enhanced or accent paving shall be used to accentuate crosswalks, street corners, and significant pedestrian nodes. Materials may include concrete or stone unit pavers, porous,

- and/or integrally colored concrete with a contrasting finish, such as exposed aggregate.
- 20) Building setbacks along San Marcos Boulevard shall be no closer than 27 feet from public right of way.
 - 21) Building setbacks along Twin Oaks valley Road shall be no closer than 25 feet from Public right of way.
 - 22) Parking setbacks along San Marcos Boulevard shall be no closer than 25 feet from public right of way.
 - 23) Parking setbacks along Twin Oaks Valley Road shall be no closer than 25 feet from public right of way.
 - 24) The four-story hotel building shall maintain a minimum 100 feet separation from adjacent Meadowlark Apartment residential building to comply with Table 4.6.

C. The hotel architectural elevations shall be modified per the following conditions or to the satisfaction to the Planning Division prior to submittal of building plans:

- 1) North Elevation (facing San Marcos Boulevard):
 - a. Provide stone veneer or comparable enhanced material on the central building façade on the 2, 3, & 4 floor projection.
 - b. Provide stone veneer on the far left & right side of the north elevation.
 - c. Provide a varied architectural parapet treatment with a cornice detail.
- 2) South Elevation (facing commercial center/78):
 - a. Include the curved porte cochere design on this elevation and provide a detail of this feature which include a stone column.
 - b. Provide a varied architectural parapet treatment with a cornice detail.
 - c. Provide stone veneer or comparable enhanced material on the central projection above the entry on the 2, 3, & 4 floors.
- 3) East Elevation (facing commercial center/TOVR):
 - a. Provide stone veneer or comparable enhanced material on the left & right side of the building for all four stories. Raise the parapet and add a decorative cornice cap.
 - b. Add more architectural variation to the elevation facing east overlooking the pool area.
- 4) West Elevation (facing Meadowlark Apartments):
 - a. Expand the stone veneer on the left side of elevation from the first to fourth floor. Slightly extend the parapet and add a decorative cornice cap.
 - b. Provide an architectural parapet treatment on the project façade above the room windows.
 - a. Provide a stone veneer or comparable enhanced material for all four floors on the far right-hand side recessed wall.
- 5) General architectural conditions:
 - a. Create a variation in the roof line and increase the parapet height for screening roof equipment.
 - b. Revise & resubmit colors #1, 3, 4, & 5 for final review and approval.

- c. Provide a cornice design on the building parapet pending final review & approval by the City.
 - d. Colors and material for the hotel shall be different from the office and retail building.
 - e. Down spouts shall be constructed within the wall design.
 - f. All windows shall be recessed.
 - g. Areas proposed as "exterior plaster" shall consist of a smooth acrylic finish. Final colors to be submittal for approval.
 - h. If there are individual air conditioning units they shall be flush mounted and screened by an architectural element (i.e. decorative grills, blending color, etc.) that compliments the building.
 - i. All roof equipment shall be selected prior to establishing the final parapet height to ensure all equipment will not be visible from the public street or the adjacent apartment complex. It will be the responsibility the developer to verify that all equipment is below parapet. Any future installation of roof equipment shall also comply with this condition.
 - j. Upon verification in field all visible backside of parapets will consist of same finish & color as face of building. All roof equipment will be painted to match color of parapet.
 - k. Developer shall replace the pictorial material board sheet presented on Sheet A-321 with an actual "material board" for review and approval by the Planning Division. Colors and finishes on the hotel should be different from the proposed retail buildings.
 - l. The trash enclosure shall be designed to match the Corner@2Oaks commercial center architectural theme.
 - m. All outdoor architectural lighting fixtures shall be reviewed and approved by the Planning Division. Said fixtures will include architectural shrouds forcing the light upward & downward on face of building.
- D. The landscape plans shall be modified per the following conditions prior to submittal of building plans:
- 1) A revised landscape and irrigation plan shall be prepared by a licensed landscape architect and shall be submitted to the City of San Marcos for review and approval with the following changes shall be made to the landscape plan:
 - a. Landscaping palette shall be consistent with the overall landscape theme for the Corner@2Oaks commercial center.
 - b. Identify size of all trees (i.e. width and height) on plant legend.
 - c. Mature existing trees removed shall be replaced with a minimum 36 inch box trees at a ratio of 3:1 or as approved on the improvement plans. The replacement ratio can be reduced if larger mature trees are approved. The new trees along San Marcos Boulevard and Twin Oaks Valley Road shall be installed at 30 feet on center. After the trees on place on both

street frontages, any remaining 36 inch box trees will be located elsewhere along the city's public right of way or placed in a nearby city park or payment of an in-lieu fee. The in lieu fee shall include the cost of purchasing the tree and installation of the tree.

- 2) Additional planting shall be provided along Twin Oaks Valley Road and San Marcos Boulevard to soften the encroachment of the proposed buildings in the general utility easement and parking stalls prior to occupancy of first building. Applicant shall submit blown-up details tree spacing, proposed landscape, and hardscape pending final review and approval by the City.
 - 3) Additional landscape enhancements and/or hardscape enhancements will be required in the review of the final landscape plan.
 - 4) The proposed trash enclosures shall be landscaped to deter graffiti. A design shall be submitted for review and approval by the City.
 - 5) This project is subject to the payment of a landscape permit fee and an inspection fee. The landscape permit fee shall be two percent (2%) of the Landscape Architects estimate for the completion of all landscaping shown on approved mylars. The landscape inspection fee shall be two and one-half percent (2.5%) of the Landscape Architect's estimate. All submitted estimates shall be stamped and signed by the Landscape Architect.
 - 6) The driveway entrances off of San Marcos Boulevard and Twin Oaks Valley Road shall be designed as an enhanced entry with integral color hardscape and rows of dactolyfrias palms on each side of the entrances. Final design shall be reviewed and approved by the City prior to issuance of building permits.
 - 7) The enhanced sidewalk design along both San Marcos Boulevard and Twin Oaks Valley Road shall be a minimum of 10 feet in width, unobstructed by utilities. Applicant shall submit enlarge detail drawings defining the enhanced details of the sidewalk such as integral colored pavers, integral colored concrete, scoring, tree grates, pedestrian lighting, and special finishes or textures on sidewalk surface. Final design shall be reviewed and approved by the City prior to issuance of building permits.
 - 8) The site plan shall include the requirement of 15% landscape, excluding setback landscape areas, per the Heart of the City Specific Plan.
- E. Prior to issuance of any building permit for the Hotel, the following conditions shall be complied with:
- 1) All structures shall be designed to comply with the latest adopted Uniform Building code, published by the International Conference of

Building Officials (ICBO) and with the State of California Building Code, Part 2, Title 24, California Code of Regulations.

- 2) Plans and construction documents submitted for a building permit shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- 3) This development is subject to the payment of development fees as required by City Ordinance prior to the issuance of any building permit.
- 4) The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution Number 2008-7007. The fee is based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
- 5) 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.
- 6) 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.
- 7) The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
- 8) The proposed development shall comply with Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the proposed construction.
- 9) Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the Uniform Plumbing Code.
- 10) 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. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The developer shall inform the new owners that they own the mailboxes and are responsible for replacement.
- 11) All proposed structures shall be designed to adequately transmit to the foundation the dynamic lateral forces developed in the building in accordance with the engineering requirements of the latest adopted

California Building Code and the Uniform Building Code, Volume II, as adopted by the City of San Marcos.

- 12) 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.
- 13) The applicant/builder/contractor 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) 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.
- 15) Driveways serving this project shall have a minimum improved paved width of 24 feet. Any other roadway features such as gates, turning radius, etc., must meet the design criteria of the San Marcos Fire Department and Engineering Department. The first layer of asphalt must be in place and serviceable prior to delivery of combustible construction materials to the site.
- 16) The Mid-Rise Ordinance will apply to the proposed Hotel building.
- 17) The following fire protection and life safety systems are required by the Mid-Rise ordinance and shall be provided for on the building plans:
 - a) Fire sprinkler system required throughout.
 - b) Class-I, wet standpipes required in each stairwell and on roof level (top of each stairwell).
 - c) Fire Department standpipes and fire sprinkler systems shall be wet-pipe and shall have interconnected Fire Department Connections.
 - d) Fire Alarm System Required.
 - e) Fire Command Room required
 - f) Monitoring of waterflow devices are both required.
- 18) A fire alarm systems required for hotel and office building.
- 19) The Hotel shall have approved radio coverage within the interior of the proposed buildings for emergency responders and shall comply with 2013 CA. Fire Code and San Marcos Fire Department requirements. Radio coverage and signals within all building(s) interiors shall be at minimum equal to that of the building exterior of all buildings in this development area and be consistent with radio coverage in the City. A licensed and reputable consultant with expertise in evaluating and measuring emergency fire department communications shall be retained and shall provide a technical report that addresses specific emergency

communication requirements for this development and shall meet San Marcos Fire Department criteria. The consultant used for this study shall be approved by San Marcos Fire Marshal or designee.

- 20) All Access Roads shall meet following criteria: a). be minimum 24 feet wide. b). Provide adequate turn radius to accommodate all frontline and reserve fire apparatus. c). be an all weather design, support the imposed loads of fire apparatus not less than 75,000 pounds or 32,000lb single axle loading. Note: Access roads separated by medians shall have a minimum 12 foot wide drive lane in each direction. Wider lanes may be required to accommodate fire apparatus.
- 21) Any roads 24 feet or less in width are required to be posted with "No Parking –Tow Away Zone" signs approved by the fire department.
- 22) Fire hydrants with an adequate water supply must be installed on streets and/or between buildings. The type of hydrants installed shall be Jones, with two, 4 –inch outlets & one, 2 ½ -inch outlet. Fire flow (GPM) requirements and duration of fire flow for each building are based on building size and construction type and will be determined at later date.
- 23) A Fuel Management Plan is required. A 150' fuel modification is required from all sides of all structures. Provide the legal easement documentation form all appropriate adjacent property owners.
- 24) Plans shall be provided on AutoCad for use by fire dept. for pre-fire planning purposes.
- 25) 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 3775 or Clow 2065 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.
- 26) The applicant/developer shall submit a noise report which should substantiate that the habitable areas meet the 45 dBL and the pool area is below 65 dBL which shall be addressed in the building plans.
- 27) Applicant /developer shall be responsible to pay a fee for "Art in Public Places" per the Heart of the City Specific Plan.
- 28) The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.
- 29) 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
- e. Additionally, a special Improvement area shall be formed with respect to CFD 98-02 for the ongoing maintenance services provided by the city for improvements being installed above and beyond the City standards, for a fee of \$12,500 to be paid by the developer and installed by the developer as shown on the Special Improvement Area Exhibit (Boundary Map to be included). No permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation the [developer/applicant] 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 Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

- 30) Precise Grading Plans shall be attached to the building plans.
- 31) 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.
- 32) The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) have been in substantial conformance with the approved plans, reports, and standards. Such certification shall be in the form of a signed and stamped letter from the Engineer-of-Work.
- 33) All grading shall be supervised by a Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations, contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
- 34) 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.

- 35) 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.
- 36) The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.

F. Prior to construction, the following conditions shall be complied with:

- 1) The applicant/builder/contractor 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.

G. During the construction phase, the following conditions shall be complied with:

- 1) Construction work related activities shall be conducted Monday through Friday between the hours of 7:00 am and 6:00 pm and on Saturdays between the hours of 8:00 am to 5:00 pm.
- 2) The Building permits shall not be issued for projects that violate the City's grading ordinance and Storm Water Management Program.
- 3) Building permits shall become invalid when the project violates the Grading Ordinance and/or the City's Storm Water Management Program. The City shall not perform inspections until the violations are corrected and the project is in compliance with City standards.
- 4) 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.
- 5) Prior to applying final exterior color with a smooth acrylic finish on any of the proposed buildings, the applicant will provide a sample prior to application, and the applicant will provide a color blocking test on a selected surface by the City. This color block sample will be reviewed in the field to determine if the color is acceptable prior to final selection of the exterior color(s). The final finish will consist of 100% smooth acrylic polymer-based plaster with high UV resistance.

- 6) All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply 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.
 - 7) During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
- H. Prior to occupancy, of any structure on site, the following conditions shall be complied with:
- 1) Perimeter landscape slopes, San Marcos Boulevard frontage areas adjacent to hotel site, and designated parking shall be irrigated and landscaped prior to occupancy.
 - 2) The proposed development shall satisfy the conditions of approval prior to 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.
 - 3) For those areas requiring shared access and/or parking, an unsubordinated reciprocal access and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.
 - 4) Applicant/developer shall establish a Master Merchant HOA for retail component, prior to occupancy.
 - 5) Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe the maintenance responsibilities, parking restrictions, and required activity -based operation and maintenance (O & M) BMPs for water quality/ hydromodification facilities and other required constructed water quality elements. The O&M BMPs shall include required City reporting responsibilities, and any regulatory agency permit responsibilities.
 - 6) The developer shall submit a Permanent Master Maintenance Plan for final review and approval by Development Services.

- 7) A comprehensive sign program shall be reviewed and approved by the City.
 - 8) Retain an FCC certified technician who will test all areas of the building or structure, verify installation and operation of in-building solutions, if needed, and certify all of the findings stated herein on the date of inspection with his/her signature. A passing test is one that demonstrates Delivered Audio Quality 3 with a 90% reliability factor on each floor. Owners of buildings or structures that fail to meet this standard will not be in compliance with 2013 CFC, section 510.
 - 9) Provide building address number. Provide a Lighted map directory near main entries. Final location to be determined by Fire Department.
 - 10) All improvements shown on the improvement plans, as approved by the City Engineer must be constructed to the satisfaction of the Public Works Director.
 - 11) Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
 - 12) Provide address numbers for each structure in two areas on each building.
 - 13) Knox Boxes, Knox Key switches and master keys will be required for each structure.
 - 14) 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.
- I. The hotel shall be constructed in phase 1 prior to or concurrent with the other retail buildings along with all frontage improvements, required parking, and site improvements.
 - J. The permittee shall be responsible for conducting the use in a manner as not to become obnoxious by reason of noise, refuse matter, odor, dust, smoke, maintenance of grounds and buildings or have a detrimental effect on the surrounding properties and improvements.
 - K. This Conditional Use Permit shall become null and void if the Conditional Use Permit is not utilized within a twelve (12) month period.
 - L. 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 CUP 14-008; (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 CUP 14-008; but shall survive in perpetuity.

- M. This Conditional Use Permit is approved in conjunction with the submitted Site Development Plan (SDP 14-005), and all conditions of approval specified in Resolution PC 14-4447; and TPM 14-002 PC Resolution 14-4446; are hereby incorporated by reference.
- N. 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.
- O. All conditions as stated in TPM 14-002 and SDP 14-005 regarding the new parcel shall be incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 15th day of December 2014.

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairperson
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION