

RESOLUTION PC 17-4593

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A SITE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF PHASE 1 RETAIL CENTER CONSISTING OF A TWO-STORY RETAIL/OFFICE BUILDING AND SINGLE STORY RESTAURANT LOCATED IN THE HEART OF THE CITY SPECIFIC PLAN AREA OF THE RICHMAR NEIGHBORHOOD

SDP 16-004
University District Holdings II, LLC (Corner@2Oaks)
(P16-0023)

WHEREAS, an application was received from University District Holdings II, LLC, requesting approval of a Site Development Plan to construct the remaining portion of Phase 1 commercial/retail center on 4.66 acre site, located at the southwest corner of Twin Oaks Valley Road & San Marcos Boulevard, more particularly described as:

Parcels 1 and 2 of Tentative Parcel Map 659, in the City of San Marcos, County of San Diego, State of California, according to Parcel Map 21286 filed in the Office of the County Recorder October 14, 2015.

Assessor's Parcel Numbers: 220-190-54-00, 220-190- 55-00, & 220-190-56-00.

WHEREAS, in December 2014, the San Marcos City Council adopted a Mitigated Negative Declaration (ND 14-009) for the Corner@2Oaks (ND 14-009/SCH No. 2014101043) and approved SDP 14-0014 that allowed for the development of the overall Corner@2Oaks project site with up to 54,000 s.f. of standard commercial office, 19,000 s.f. of medical office, 19,000 s.f. of retail shops, 9,000 s.f. of restaurant use, and 116 hotel rooms approved under a Conditional Use Permit (CUP 14-008), a Tentative Parcel Map (TPM 14-002) and 7.3 acres of the project site were proposed for preservation within an open space easement all of which was to be developed in two phases (Phase 1 northern site and Phase 2 southern site); and

WHEREAS, the Final Map 21286 was recorded on October 14, 2015, establishing the parcels identified for Phase 1 & Phase 2 development; and

WHEREAS, construction of the 116-room hotel is currently underway in the northwest portion of the project site on Phase 1 and this Site Development Plan application does not propose changes to the hotel entitlements and the Hotel is in full compliance with the CUP 14-008; and

WHEREAS, APN 220-190-60-00, created with Final Map 21286, will be permanently conserved as open space as a condition of SDP 14-0014/ ND 14-009/SCH No. 2014101043; and

WHEREAS, the Private Landscape Improvements for Corner@2Oaks, Phase 1, Landscape Plan Check Number LP15-0009 has been approved and is currently under

AGENDA ITEM

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Phase I

construction. The remaining undeveloped pads identified as "Office and Retail" on Sheet TS per LP 15-0009 will be conditionally approved under SDP 16-004 to complete the remaining landscape design and installation outside of LP 15-0009.

WHEREAS, the Private Landscape Improvements for Fairfield Inn & Suites, Phase 1, Landscape Plan Check LP 15-0008 has been approved and is currently under construction.

WHEREAS, this Site Development Plan (SDP 16-004) addresses proposed changes to the remaining undeveloped portion of Phase 1 (northern portion of project site), to be developed with up to 13,499 s.f. of office/retail uses and 6,500 s.f. of restaurant uses instead of 19,900 s.f. of commercial office, 19,000 s.f. of medical office, 4,000 s.f. of retail, and a 4,000 s.f. restaurant; and

WHEREAS, all conditions stated in SDP 14-0014 are rescinded and the conditions of SDP 16-004 shall prevail; and

WHEREAS, the Development Services Department did study said proposed request and does recommend approval of the Site Development Plan (SDP 16-004) except as modified herein; and

WHEREAS, the City reviewed and accepted a parking study demonstrating there will be adequate parking available for the proposed Site Development Plan and hotel approved by Conditional Use Permit 14-008 per the agreement with the developer for SP15-001/MFSDP 15-001/TSM15-002, in that twenty-one (21) parking spaces on APN 220-190-57-00 will be reserved in perpetuity for the exclusive use of the retail center under SDP 16-004; and

WHEREAS, the required public hearing held on January 17, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did recommend to the City Council adoption of Mitigated Negative Declaration (ND 15-005) with a Mitigation Monitoring and Reporting Program pursuant to the California Environmental Quality Act (CEQA); and

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

1. With the proposed conditions, the Site Development Plan (SDP 16-004) 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 and that there will be adequate public facilities and infrastructure including road widening, fire, water, and drainage services provided. The proposed plan is very similar to the approved plan (SDP 14-004) and all of the adjustments have been reviewed by the City for adequate facilities and to improve upon the internal and external circulation with adjusted drive and turn aisles and a new pedestrian crossing on Twin Oaks Valley Road.
2. The project conforms with the General Plan, any applicable Specific Plan, and all provisions of this Zoning Ordinance and Code. The project will conform to the City's adopted General Plan in that the project only reduces the office and retail components of the approved plan to reflect the long-term market realities and

reduced demand, and to add a restaurant site and adjustment of the parking areas subject to appropriate design conditions herein and the applicable standards specified in the Heart of the City Specific Plan and.

3. As feasible, the project preserves mature trees and will not unnecessarily remove trees and natural vegetation since there were no mature trees on site and substantial landscaping and new street and internal landscaping trees will be provided.
4. The project will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting as there were no significant landforms, ridgelines or hillsides on site.
5. The project provides adequate buffering between residential and non-residential uses, and otherwise is in the best interests of the public health, safety, and general welfare. The revised building locations are no closer to neighboring properties and the streetscape and on-site landscaping has been improved and enhanced in comparison to the original site development plan.
6. The structure(s), Site Development Plan, and landscaping are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site. The project provides well designed buildings, parking areas, lighting and landscaping consistent with the city's zoning ordinance in a manner that visually enhances the physical use of the property, including new outdoor plaza with attractive seating in front of the retail and office building.
7. The structure(s), Site Development Plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists, and vehicles in that the project satisfies all relevant city code and policy requirements.
8. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping; provides adequate and effectively concealed trash, storage, and utility/mechanical equipment; and will correct any violations of the Zoning Ordinance, Building Code, or other sections of this Code that exist on the site in that the plans have been reviewed for compliance with the applicable provisions of the Zoning Ordinance, the restaurant refuse and delivery area is well hidden and integrated.
9. The design and location of architecture and signs are consistent with the character and scale of the buildings to which they were attached or that are located on the same site, the signs are visually harmonious with surrounding development, and there are no illegal signs on the site. The design of the proposed restaurant and mixed office and retail buildings is attractive and complimentary to each other as well as the hotel building, is appropriate in scale and quality for this infill project location and will add value to the overall

community and will be considered compatible with the existing, surrounding developments. The project is conditioned to submit a comprehensive sign program to address all proposed signage; and

NOW THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 15-005) is hereby recommended to the City Council for approval pursuant to the California Environmental Quality Act (CEQA).
- C. The Site Development Permit is recommended to the City Council for approval per the submitted site plan (13,499 s.f. of office/retail in a two story structure; and a 6,500 square foot single story restaurant building, and parking that includes twenty-one (21) off site (on APN 220-190-57) parking spaces, floor plans, architectural/color elevations, conceptual landscaping plan, materials board, and is subject to compliance with the conditions of approval of this Resolution PC 17-4593.
- D. Within thirty (30) days of the approval of the Site Development Plan (SDP 16-004), the final approved site plan, landscape plans, floor plans, and elevations shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 17-4593." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.
- E. The applicant/developer must comply and implement all required mitigation measures as specified in Mitigated Negative Declaration (ND 15-005).
- F. General Provisions:
 - 1. Applicant shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
 - 2. The applicant shall ensure that prospective purchasers sign a disclosure acknowledging that the property is within the City's Community Facilities Districts Boundaries which are subject to supplemental tax assessments. Annexation into one or more of these districts and payment of in-lieu fees is or will be required.
 - 3. 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., shall be placed outside of the ultimate right-of-way and City easements to avoid reconstruction or modification of same.

4. Applicant shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.
5. The applicant shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the applicant's responsibility to determine all agencies with rights of approval for the proposed development.

G. Prior to issuance of a Grading Permit, the following conditions shall be complied with:

1. A pedestrian crossing shall be added at the north leg of the intersection of North Twin Oaks Valley Road and the project entrance. All applicable permits and fees necessary to ensure the construction of the crossing shall be issued and paid.
2. An in-lieu fee will be required for new and modified traffic signal timing at the project intersections and at the intersection of San Marcos Boulevard and Twin Oaks Valley Road. The fee shall also cover the coordination of said signals and the San Marcos Boulevard corridor. The City will develop or contract for development of the plans. The fee shall completely reimburse the City for expenses related to the development and implementation of the plan and any administrative costs associated with contract management. An initial deposit of \$10,000 shall be paid upon the issuance of construction permits associated with the signal improvements.
3. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Manager prior to grading permit issuance. The phasing plan may be subject to further conditions. Should the subdivider 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 Manager. Other conditions may be imposed by the City Engineer and Planning Manager to allow out-of-phase construction.
4. The applicant shall submit for a grading permit in accordance with the San Marcos Municipal Code section 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
5. 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, SDRWQCB Municipal Stormwater Permit requirements, 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.

6. A hydrology and hydraulic report, including calculations, shall be prepared for the proposed project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner(s).
 7. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the requirements of California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order Numbers R9-2015-0001 (Orange County enrollment) and R9-2015-0100 (Riverside enrollment).
 8. The property owner shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction stormwater management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
 9. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
 10. 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.
- H. Prior to acceptance of working drawings and issuance of a building permit the following conditions shall be complied with:
1. The Overall Site Plan Sheets A-101 & A-102 submitted by Safdie Rabines Architects, city stamped dated on December 9th, 2016 is approved, with the exception of the following conditions which shall be complied with as follows:
 - a. The public sidewalk and designated pedestrian pathways shall comply with ADA requirement per Title 24.
 - b. The proposed buildings must maintain a minimum five (5) foot clearance from the underground storm drain.
 - c. 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.

- d. 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.
2. The Architectural Elevations submitted by Safdie Rabines Architects date stamped by the City on December 9th, 2016 is approved, with the exception of the following conditions which shall be complied with as follows:
 - a. There shall be no exposed roof ladders.
 - b. All roof equipment shall be selected so that once installed it will not be visible from the parking area, public street or the adjacent residential developments.
 - c. 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.
 - d. 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.
 - e. Material Board shall be updated to include approved material shown on the elevations submitted by Safdie Rabines Architects date stamped by the City on December 9th, 2016.
3. The Landscape Plans submitted by Neri Landscape Architecture, city stamped dated on December 9th, 2016 is approved, with the exception of the following conditions which shall be complied with as follows:
 - a. The project landscape architect will be responsible to incorporate all storm water design elements as part of the final landscape plan.
 - b. 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.
 - c. The landscape plans, including plant material and irrigation design, shall comply with the City's adopted landscape water efficiency ordinance, Section 20.330 of the San Marcos Municipal Code in addition to State of California water efficiency requirements.
 - d. Sheet –L201,
 - i. Under the drought tolerant schedule, change the size of the hedge scrubs from 5 gallon to 15 gallon.
 - ii. Extend the hedges around the westerly edge of the parking lot to screen the parking lot headlights.
 - e. The final landscaping and irrigation plans shall be submitted for review and final approval by the City. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan submittals are to be prepared and signed by a licensed professional. Landscape plan check fees shall be paid based on 2% of the landscape professional's estimate

(cost of materials and installation) for initial plan check and 2.5% of the landscape professional's estimate for the landscape permit and one field inspection.

4. A Lighting Plan shall be submitted addressing exterior building lights consisting of architectural sconces that blend with the character of the building. Type of light shall be indicated and shall be low wattage to uplight the stone veneer columns.
- I. Prior to Building Permit Issuance, the following conditions shall be complied with:
1. The Applicant shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
 - CFD 98-01 - Improvement Area No. 1 (Police Only)
 - CFD 98-02, IAF-56 – Lighting, Landscaping, Open Space and Preserve Maintenance
 - CFD 2001-01 – Fire and Paramedic
 - CFD 2011-01 – Congestion Management
 2. The applicant shall submit revised Covenants, Conditions and Restrictions (CC&R's) (to revise recorded CC&R Document #2015-0539287) to the City of San Marcos for review and approval based on the approved Site Development Plan. At a minimum, the CC&R's shall describe the Merchant Association (MA) maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities to the satisfaction of the Planning Division.
 3. The approved precise grading plans shall be attached to the building plans.
 4. All grading shall be supervised by a Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and on the approved project plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.
 5. A certificate of line and grade, signed and stamped by the engineer of work, shall be provided to the engineering inspector. The certificate shall be in a form acceptable to the City Engineer.
 6. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be

required to provide map updates. Provide a copy of building plans in Geo-Referenced format to be used by fire dept. for pre-fire planning purposes. Information shall specifically include a site plan, building plan, all Utility shut-offs, fire sprinkler risers and shut-off valves, the fire department connection for sprinkler and class-I standpipe, all standpipe hose outlets, all stairwells, retail spaces, living units -numbers /locations, fire alarm panels, elevators, fire hydrants and all Knox boxes and key switch locations. The following shall be used-

Coordinate	System	Name:
NAD_1983_StatePlane_California_VI_FIPS_0406_Feet.		

7. Fire hydrants with an adequate water supply must be installed on streets and/or between buildings. The type of hydrants installed shall be Jones or Clow, with two, 4-inch outlets and one, 2 ½ -inch outlet. Fire Flow (GPM) requirements and duration of fire flow for each building is based on building size and construction type and will be determined at a later date. Commercial fire hydrants shall be spaced 300 ft apart.
8. All new buildings (applies to multi-story office/retail 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.
9. Provide two separate means of emergency vehicle access to project area.
 - a. All access roads shall provide an all-weather surface, be designed to support the imposed loads of fire apparatus, minimum weight of 75,000 pounds or 32,000 lb per axle loading. All access roads shall accommodate every frontline and reserve apparatus used by Fire Department.
 - b. Provide adequate turn radius for all roads. Turn radii throughout project shall accommodate all Fire Dept. Apparatus including: Frontline and Reserve Fire Engines and Frontline and Reserve Trucks – (Engine, Tiller and Quint ladder Trucks). The required inside turn radius shall be 28 feet for Engine and Tiller Ladder Truck. The required turn radius for the fixed wheelbase ladder truck (Quint Truck) shall utilize a B40 template. No curb deflection or other features shall interfere with fire apparatus ability to navigate any street. City of San Marcos Engineering Dept. has proper templates for turn radius of all fire dept. apparatus.
 - c. All roads in this project shall be 24 feet. A minimum 12 foot wide drive lane each direction is permissible when medians are installed. Installation of any median shall not interfere with any fire apparatus or encroach into minimum

road width of 12 feet. Installation of any medians shall not interfere with ladder truck operations and/or use of jacks that support ladder truck operations.

- d. All fire lanes (driveways) shall be provided with a drivable surface acceptable to San Marcos Fire Dept. and shall meet design criteria as outlined in requirements for access road design. No vegetation (including trees) shall interfere with ability of fire apparatus and ladder trucks to access this fire lane and deploy ladders or equipment.
 - e. 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.
- 10. An Automatic Fire Sprinkler System complying with NFPA 13 and 2013 CFC shall be installed in restaurant building and 2-story retail / office building.
 - 11. Fire Department Connection (FDC) must be within 50-feet of a hydrant for each proposed building.
 - 12. Plans for fire service underground piping shall be submitted for approval prior to Fire Department field inspections. All underground piping shall be installed in accordance with NFPA 13 and NFPA 24.
 - 13. Automatic fire sprinkler systems shall be supervised by an approved central station.
 - 14. Fire Alarm system(s) shall be installed in compliance with 2013 CFC and the most current edition NFPA 72. All work shall be performed by a C-10 licensed contractor.
 - 15. Install kitchen hood and duct fixed fire extinguishing system in restaurant building as per NFPA 17 and 96.
 - 16. Provide notes on plans stating: Where elevators are installed, they shall meet the following conditions of CFC section 607 and comply with following:
 - a. At least one (1) elevator that extends to the top floor of a structure shall accommodate the loading and transport of an ambulance gurney or stretcher (maximum size 24 inches by 76 inches) in the horizontal position.
 - b. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch ambulance gurney or stretcher in the horizontal, open position, shall be provided with a minimum clear distance between walls or between walls and door excluding return panels not less than 80 inches by 54 inches, and a minimum distance from wall to return panel not less than 51 inches with a 42-inch side slide door.
 - c. A minimum of four (4) keys shall be provided for fire dept. use.

17. New and existing buildings shall have approved address numbers placed in position that is contrasting in color and plainly visible from street or road fronting the property. Commercial Building numbers shall be 12" inches high with a minimum stroke of 1-1/2 inches.
18. Knox Key Box shall be provided on each building. A master key for entry to all gates, enclosures and equipment rooms or areas is required. Knox box shall be mounted in area approved by fire dept. at height of 60 to 66 inches above grade. Knox Box shall be type with side hinged door.
19. In every Group A, E, I, R-1, R-2 and R-6 Occupancies all drapes, hangings curtains, drops, and other decorative material shall be treated and maintained in a flame-retardant condition as approved by CA. State Fire Marshal. Title 19, Article 3.0
20. Additional fire and building code requirements may apply based on formal plan submittal.
21. 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.
22. 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.
23. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.
24. 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. The fee is based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
25. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. 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.
26. 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.
27. 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.

28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. The proposed new development is subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
34. 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.
35. The location and size of signs shall be approved under a comprehensive sign program to the satisfaction of the Planning Division.
36. Provide a detail and description of all accent pavements to be used on the project. Submit a sample for final review and approval by Planning Division.
37. Developer shall pay an in lieu fee towards the Public Arts requirement per the Heart of the City Specific Plan (Section 5.12) or provide on-site public art in accordance with the Heart of the City Specific Plan requirements.

J. 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.

K. 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.
4. The applicant shall provide to the City, for approval, the number of existing street trees will be removed by the improvements associated with the pedestrian crosswalk proposed at mid block on Twin Oaks Valley Road. 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.
5. Prior to delivery of combustible building construction materials to the project site; the following conditions shall be completed to satisfaction of the Fire Dept. (1) Fire Hydrant(s) shall be installed, approved and usable. (2) Fire Lane or Access Roads shall be in place and provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75,000 lbs).
6. NOTE - Deferred Submittals: Submit plans to Parsley Consulting, fire protection consultant for San Marcos Fire Dept. Submit Plans for review and approval prior to installation.
 - a. Automatic Fire Sprinkler, NFPA-13 and CFC
 - b. Fire Alarm System, NFPA 72 and CFC

c. Kitchen Hood Fire Protection System, CFC and NFPA 17, 96

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

1. The proposed development shall satisfy the conditions of approval prior to the first occupancy.
2. All applicable easements and agreements shall be recorded prior to occupancy.
3. As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval.
4. 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.
5. 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.
6. 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.
7. The twenty-one (21) parking spaces located on APN 220-190-57-00 shall be constructed and clearly identified for exclusive use for the retail center only. These designated parking spaces shall not be use by the occupants or guest of the proposed townhouse development.
8. Improvements to Twin Oaks Valley Road and San Marcos Boulevard, as shown on IP-4792, shall be fully constructed and accepted by the City. A warranty bond for the public improvements and a maintenance bond for the Community Facilities District (CFD) landscaping shall be posted.
9. Applicant shall revise CC&Rs (revision of CC&Rs Document #2015-0539287 recorded on October 14, 2015 titled as "Declaration Establishing Easement, Maintenance and Cost Sharing Obligations and Declaration of Open Space) to include the twenty-one (21) parking spaces located on 220-190-57-00 which are to be reserved in perpetuity for exclusive use by the retail center under SDP 16-004. A copy of the fully executed CC&Rs shall be provided to the City.

M. 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. Diseased, dead or dying plant material shall be properly removed and replaced with specimens of equal or better value prior to the next growing season.

- N. 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 16-004; (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 16-004, but shall survive in perpetuity.
- O. Approval of SDP 16-004 limits the building footprint of the two story retail/office building to 13,499 s.f. and single story restaurant building to 6,500 square feet.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 17th day of January, 2017 by the following electronic vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

_____, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

AGENDA ITEM
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Phase I