

RESOLUTION PC 17-4591

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING APPROVAL TO THE CITY COUNCIL OF TENTATIVE SUBDIVISION MAP 15-002 FOR CONSTRUCTION OF A MAXIMUM OF 118 ATTACHED TOWNHOME CONDOMINIUMS WITHIN THE HEART OF THE CITY SPECIFIC PLAN IN THE RICHMAR NEIGHBORHOOD

Case No. TSM 15-002
CR TOVR ASSOCIATES, LLC
(P15-0012)

WHEREAS, an application was received from CR TOVR, LLC, requesting a Tentative Subdivision Map in conjunction with a Specific Plan Amendment and Multifamily Site Development Plan to develop up to 118 residential units located on 6.8 acres of vacant land south of San Marcos Boulevard and West of Twin Oaks Valley Road within the Heart of the City Specific Plan, more particularly described as:

Parcel 3 of San Marcos TPM No. 659, in the City of San Marcos, County of San Diego, State of California, according to the Parcel Map Thereof No. 21286 filed in the office of the County Recorder on October 14, 2015.

Assessor's Parcel Number: 220-190-57-00, 220-190-58-00, & 220-190-59-00.

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 (known as "Phase 1" on northern portion of the site and "Phase 2" on the southern portion of the site); and

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

WHEREAS, the 116-room hotel that is currently under construction in "Phase 1" per Conditional Use Permit (CUP 14-008) will not be modified with this proposed project; and

WHEREAS, the applicant has submitted a Specific Plan Amendment (SP 15-001), Multifamily Site Development Plan (15-001), and Tentative Subdivision Map (TSM 15-002) on "Phase 2" site to allow the development 118 townhomes on 6.8 acres;

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

WHEREAS, the required public hearing held on January 17, 2017 was duly advertised

AGENDA ITEM
2
Phase 2

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 has considered said Tentative Subdivision Map and the recommendation of its staff, the City Engineer with respect thereto, and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, standards, and improvements and design requirements of the City of San Marcos; and

WHEREAS, The Applicant/developer proposes to file a Final Map on said subdivision; and

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

1. Said Tentative Subdivision Map (TSM 15-002), pending adoption of amendment to the Heart of the City Specific Plan (SP15-001) changing 6.8 acres designated as "Town Center" to "High Density Multifamily Residential ("HDMFR"), will comply with the Heart of the City Specific Plan (SP 15-001) in that the project is conditioned to incorporate the applicable standards specified in the Heart of the City Specific Plan and in Appendix "G" Corner@2Oaks Phase 2 (CR Townhomes) Residential Development & Design Standards.
2. The project will conform to the City's adopted General Plan in that the site is designated as "Specific Plan Area".
3. The site is physically suitable for this type of subdivision and the proposed density of 17 du/ac of the development is within the density range of High Density Multifamily Residential ("HDMFR") 15-20 du/ac of the Heart of the City Specific Plan (pending approval of the Specific Plan Amendment).
4. The design of this subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.
5. The design or improvements will not conflict with any easements acquired by the public at large for access.
6. The proposed Tentative Subdivision Map (TSM 15-002) is in conformance with the goals, policies and objectives of the proposed amendment to the Heart of the City Specific Plan, in that the proposed design guidelines will result in a quality housing product blending in with the constraints of the site and which insures better compatibility with the surrounding area.
7. The design of the subdivision and improvements will not cause significant unmitigated environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the environmental assessment prepared for the development.

8. The proposed Tentative Subdivision Map (TSM 15-002), as conditioned, will not be detrimental to the public health, safety, morals and welfare in that adequate public facilities and infrastructure including fire, police, water, sewer, drainage, and road capacity are being provided.

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

- A. The foregoing recitals are true and correct.
- B. Said Tentative Subdivision Map (TSM 15-002) complies with the requirements of the City Subdivision Ordinance and the Subdivision Map Act.
- C. A Mitigated Negative Declaration (ND 15-005) is hereby recommended for approval to the City Council pursuant to the California Environmental Quality Act.
- D. Said Tentative Subdivision Map (TSM 15-002) is hereby recommended to City Council for approval 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. The approval of this Tentative Subdivision Map (TSM 15-002) expires within two years from date of approval. The Final Map conforming to this conditionally approved Tentative Subdivision Map (TSM 15-002) shall be filed with the City Council in time so that the Council may approve said maps before their expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, or as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is The Applicant/developer's responsibility to track the expiration date. Failure to request an extension will result in a refiling of the Tentative Subdivision Map and new processing of the map.
- F. Prior to submittal of grading plans, the revised Tentative Subdivision Map as conditioned shall be submitted as a digital file on a CD including the approving resolutions as 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 Resolutions PC 17-4590 (SP 15-001), PC 17-4591 (TSM 15-002), PC 17-4592 (MFSDP 15-001)." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any final map, grading plan, improvement plan, or building permit submittal.
- G. The Tentative Subdivision Map is approved in conjunction with the submitted Specific Plan Amendment (SP 15-001), and Multifamily Site Development Plan (MFSDP 15-001), and all conditions of approval specified in Resolutions PC 17-4591, and PC 17-4592, respectively, are hereby incorporated by reference herein.
- H. 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. The 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 responsibility to determine all agencies with rights of approval for the proposed development.

- I. Prior to Recording the Final Map, the following conditions shall be complied with:
 1. The Applicant shall dedicate easements for access, emergency access, and all other interests in real property required by these conditions and as shown on the tentative map to the City on the Final Map. 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.
 2. Applicant shall submit a draft copy of residential Covenants, Conditions and Restrictions (CC&R's) for review and comment by the City. Final form of the CC&R's shall be to the satisfaction of the City Attorney. Incorporate as part of the CC&Rs the provision that garages shall be utilized for the parking of vehicles and enforced by the HOA. At a minimum, the CC&R's shall describe the property manager and/or Home Owners Association (HOA) maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities. Said CC&R's shall be reviewed and approved by the City. A fully executed copy of the CC&Rs shall be provided to the City for recordation with the Final Map.
 3. The development CC&Rs recorded in the office of the San Diego County Recorder as Document # 2015-0539287, on October 14, 2015 shall be revised and re-recorded to incorporate all applicable changes relating to the Phase 1 & Phase 2 for the Corner@2Oaks.

4. The CC&R's shall include an exhibit defining all "Project Maintenance Areas" for which the maintenance expenses, defined as "Shared Project Expenses", shall be allocated among the responsible parties.
5. The Owners of the residences in CR Townhomes will have the ownership and maintenance responsibilities common in law, and those imposed by the Development CC&Rs and Residential CC&Rs. Such responsibilities will include, but are not limited to, compliance with the restrictions on use of their property, clean up after pets, parking and vehicular restrictions, restriction on conversion of garages to other use, compliance with all applicable requirements and restrictions set forth in the City's entitlement approvals, and restriction to storage of their trash containers in their garage except on the scheduled day for trash pickup. In general terms, no resident shall do anything on or within the Community that may be or may become a nuisance to the residents.
6. The final Parking Management Plan shall be approved by the City of San Marcos and recorded with the Residential Covenants, Conditions, and Restrictions (CC&Rs).
7. A phasing plan shall be submitted and approved by the City Engineer and Director of Development Services prior to approval of the Final Map. 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 Director of Development Services. Other conditions may be imposed by the City Engineer and Director of Development Services to allow out-of-phase construction.
8. An in-lieu fee will be required for new and modified traffic signal timing and coordination plans. The City will develop or contract for development of the plans. The fee shall completely reimburse the City for expenses related to the development 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.
9. Maintenance of private open space areas and slopes shall be the responsibility of an Individual Homeowners Association/Master Homeowners Association. All remaining open space lots, improvements and slopes that the City agrees to maintain must comply with City's criteria for maintenance for the Community Facility District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance).
10. The townhouse development shall comply with the all requirements stated in the Fire Protection Plan which shall also be recorded with CC&R's.

J. Applicant/developer shall comply with adopted conditions per SPA 15-001, MFSDP 15-001, mitigations as adopted in ND 15-005, and the adopted Mitigation Monitoring and Reporting Program.

- K. 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 Tentative Subdivision Map; (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 Tentative Subdivision Map, but shall survive in perpetuity.
- L. 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.

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

RESOLUTION PC 17-4592

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING
COMMISSION RECOMMENDING TO THE CITY COUNCIL
APPROVAL OF A MULTI-FAMILY SITE DEVELOPMENT PLAN
FOR 118 TOWNHOUSE CONDOMINIUM UNITS LOCATED
WITHIN THE HEART OF THE CITY SPECIFIC PLAN AREA IN
THE RICHMAR NEIGHBORHOOD

CASE NO.: MFSDP 15-001
CR TOVR ASSOCIATES, LLC
(P15-0012)

WHEREAS, an application was received from CR TOVR, LLC requesting a Multi-Family Site Development Plan in conjunction with a Specific Plan Amendment and Tentative Subdivision Map, to develop 118 townhouse condominium units on approximately 6.8 acres located south of San Marcos Boulevard and West of Twin Oaks Valley Road, more particularly described as:

Parcel 3 of San Marcos TPM No. 659, in the City of San Marcos, County of San Diego, State of California, according to the parcel map thereof No. 21286 filed in the County Recorder's Office on December 14, 2015

Assessor's Parcel Numbers: 220-190-57-00, 220-190-58-00 & 220-190-59-00

WHEREAS, the project, site known as "Phase 2" is also subject to an amendment of the Heart of the City Specific Plan (SP16-001) to allow high density multi-family condominiums in place of the previously approved office and retail square footage under SDP (P14-0014); and

WHEREAS, the development site is known as Phase 2 of the (southern portion) of the Corner@2Oaks project that was granted Site Development Plan (SDP 14-005) approval in December 2014 which shall be superseded by SP 15-001, TSM 15-002 and MFSDP 15-001; and

WHEREAS, twenty-one (21) parking spaces in the northwest portion of the Phase 2 project site will be dedicated to the exclusive use of the commercial uses on Phase 1 (APN 220-190-54-00; 220-190-55, and 220-190-56-00) of the Corner@2Oaks project subject to cross-access easements and maintenance agreements; and

WHEREAS, the Development Services Department did study and recommend approval of said request; 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 decision is based on the following findings and

AGENDA ITEM
2
Phase 2

determinations:

1. The project conforms with the General Plan, the Heart of the City Specific Plan (as proposed with this project to modify the project site from SPA-Town Center to SPA-High Density Multifamily Residential), and all provisions of the Zoning Ordinance in that the project is conditioned to incorporate the applicable standards specified in the Heart of the City Specific Plan and in Appendix "G" Residential Development & Design Standards.
2. 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.
3. 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 and a significant amount of open space will preserve areas along the creek.
4. The project provides adequate buffering between residential and non-residential uses based on the project design, and otherwise is in the best interests of the public health, safety, and general welfare. With the proposed conditions, the development of 118 condominium townhouse dwelling units (pending approval of amendment to the Heart of the City Specific 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 118 townhouse dwelling units would be constructed compatible with the existing and future noise environment, access is designed compliant with engineering and fire department requirements, parking will be provided on-site per code requirements and the project will ensure sufficient common open space/recreational area and landscaping to enhance the visual and physical use of the property with perimeter planting and enhanced elevations.
5. The structure(s), Site Development Plan, and landscaping are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site. The project provides open space, parking areas, and landscaping consistent with the city's zoning ordinance and Heart of the City Specific Plan in a manner that visually enhances the physical use of the property.
6. The structures, Site Development Plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists, and vehicles in that the project satisfies all relevant city code and policy requirements.
7. 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 all storage and mechanical equipment is indoors and utilities are located out of the way and buffered and landscape, and the plans have been reviewed for compliance with the applicable provisions of the Zoning Ordinance.

8. 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 Cubist Architectural style 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.

NOW THEREFORE, the City of San Marcos resolves as follows:

- A. The foregoing recitals are true and correct.
- B. Mitigated Negative Declaration (ND 15-005) with a Mitigation Monitoring and Reporting Program is hereby recommended for adoption to the City Council.
- C. The Planning Commission recommends approval to the City Council of the proposed 118 Townhouse dwelling units referenced as Multi-family Site Development Plan 15-001 per the submitted site plan, architectural elevations, floor plans and conceptual landscape plans date stamped by the City on December 9, 2016, except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 17-4592.
- D. Within thirty (30) days of the approval of the Specific Plan Amendment (SP 15-001), Multi Family Site Development Plan (MFSDP 15-001), and Tentative Subdivision Map (TSM 15-002), 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/Ordinances adopted by City Council." 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. 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/Developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the Applicant/Developers responsibility to determine all agencies with rights of approval for the proposed development.
6. Developer/Applicant and or their successor shall agree that the maintenance of private open space areas and slopes shall be the responsibility of an Individual Homeowners Association.

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

1. 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.
2. Erosion and control sediment control details shall be submitted as part of 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.
3. 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).
4. 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).
5. 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.

6. 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 payment of an in-lieu fee or 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, IA F-56 – Lighting, Landscaping, Open Space and Preserve Maintenance
 - CFD 2001-01 – Fire and Paramedic
 - CFD 2011-01 – Congestion Management
7. 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 grading activities, the following conditions shall be complied with:

1. 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.
2. 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.

H. Prior to the submittal of any building permit, the following shall be complied with:

1. The CR Townhomes Civil Site Plan (Sheet 2 of 6), CR Townhomes Utility Plan (sheet 4 of 6) submitted by Lepert Engineering, city stamped dated on December 9th, 2016 is approved, with the exception of the following revisions:
 - a) A display and unit location map shall be identified at each major driveway entrance and major walkway entrance to the project as an aid to emergency personnel and a convenience to visitors.
 - b) The proposed building must maintain a minimum five (5) foot clearance from the underground storm drain.

- c) Perpendicular parking stalls must be a minimum of 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) The transformer elevation shows the SDG&E access pathway, but the plan view does not. Both the access pathway and the minimum 2' of separation between the sidewalk and transformer shall be included in both the elevation and the plan detail. The detail shall clarify whether the 1.5' minimum access path or sidewalk must be on all sides of the box. The plan shall show the 2' minimum setback from the sidewalk.
- e) Modify the Residential Landscape Plans (GMP Plans, date stamped December 9, 2016 as follows:
 - (i) Sheet 1 of 8 by GMP, show same location of transformers as utility plan above
 - (ii) Sheet 2 of 8 by GMP, shows same location of transformers as utility plan above, however, this sheet should refer to Sheet 4 of 8 regarding Typical Transformer Shrub Planting "Detail". Again, on Sheet 4 of 8, please identify
 - (iii) Label "Perimeter Wall" as Detail "A"
 - (iv) Label "Example Decorator Panel" as Detail "B"
 - (v) Label "Illuminated Panel" as Detail "C"
 - (vi) Label "Typical Transformer Shrub Planting" as Detail "D"
 - (vii) On Sheet 4 of 8, Detail "D" revise note to include coordination with both SDG&E & Planning regarding the screening.
 - (viii) Label "Community Entry Sign" as Detail "E"

2. The Architectural floor plans and elevations submitted by The McKinley Association, Inc. Architecture & Planning date stamped by the City on December 9, 2016 are approved with the exception of the following conditions:

- a) The Floor Plans shall include:
 - 1) All condominiums shall be provided with a hook-up for side by side or a stacked washer and dryer in the townhouse.
- b) The Building Elevations the following conditions which shall be complied with as follows:
 - 1) Gutters and downspouts shall be designed as a unique architectural feature. Exposed gutters and downspouts shall be painted to match adjacent roof or wall material.

- 2) All antennas/satellite dishes are restricted to the interior footprint of the exterior balcony.
- c) Enhanced elevations and landscaping are required as shown on Sheet A-12a and A-17 relating to stone veneer & landscape enhancements.
3. The Residential Landscape Plans submitted by GMP Landscape Architecture & Planning date stamped by the City on December 9, 2016 is approved with the exception of the following conditions:
 - a) The developer shall hire a California licensed landscape architect, who shall be responsible for preparing the plans to be submitted to the City for review and approval.
 - b) 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 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. Landscaping must comply with the City and State Water Efficiency Landscape Ordinance.
 - c) The landscape shall be maintained by the applicant/developer or homeowners association unless annexation is required into a Lighting, Landscaping, Open Space and Preserve Maintenance CFD district. 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.
 - d) All approved landscape enhancement are approved on Sheet A-12a in the Architectural package submitted by The McKinley Association, Inc. Architecture & Planning date stamped by the City on December 9, 2016.
 - e) Project landscape, architectural hardscape design, lighting design, etc. shall comply with the Heart of the City Specific Plan, Appendix G. Corner@2Oaks Phase 2 (CR Townhomes) Residential Development & Design Standards.
 - f) A note shall be added to the plans stating the additional landscape screening may be required in areas deemed necessary by the Planning Manager.
4. The material board shall be updated to match all approved materials shown on the project elevations plans submitted by The McKinley Association, Inc. Architecture & Planning (date stamped by the City on December 9, 2016).

5. A Lighting Plan shall be submitted and address the following conditions:
 - a) All lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine on to public streets or adjacent lots. (Condition E4)
 - b) All exterior lighting shall comply with Title 24.
- I. Prior to issuance of a building permit, the following conditions shall be complied with:
 1. The approved precise grading plans shall be attached to the building plans.
 2. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, shall be paid in full.
 3. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. 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.
 4. 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.
 5. 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.
 6. 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.
 7. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten crime prevention measures include the following:
 - a) Exterior door jambs shall be installed with solid materials, i.e. full trimmers and king studs, for 6 inches away from the strike edge of the door.
 - b) Door stops on wooden jambs shall be one-piece construction or substantially fastened to the jamb.

- c) Strike plates for deadbolts on wood framed door jambs shall be 16-gauge steel or equal, attached with two screws penetrating two inches into solid backing.
- d) Louvered windows are to be avoided, unless 12 feet above ground level and 6 feet horizontally from an accessible surface.
- e) Locking hardware for garage doors shall be mounted on 2-inch solid backing or frame members. Carriage bolts or equal are required to prevent removal of the hardware.
- f) Garage doors exceeding 14 feet in width shall have two locking devices.
- g) All exterior doors, including doors from the garage to the side yard, shall be 1 3/4 inch solid wood or solid core construction.
- h) All glass within 40 inches of any door lock shall be laminated safety glass or burglary resistant glass.
- i) Solid wood doors shall have a wide angle 180 degree peep hole.
- j) Street addresses shall be prominently displayed on the curb face in a direct line with the front door and on the building wall closest to the street.

8. 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.

9. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance or provide 15% inclusionary units in accordance with the City's inclusionary housing ordinance.

10. 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.

11. 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.

12. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.

13. 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.

14. 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.
15. 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.
16. Submit a final copy of the Fire Protection Plan to San Marcos Fire Department. The FPP shall indicate compliance with 150-foot defensible space between existing creek and proposed structures, or previously approved reduced defensible space (not less than 100 feet) with mitigation for increased fire rated construction on structures with less than 150-foot clearance. FPP shall show compliance with CBC, Chapter 7a. This code section applies to all buildings within 150-foot defensible space area. FPP shall provide details on emergency access; water supply; fuel load; fire resistive landscaping; removal of dead, dying and invasive vegetation in creek and all key fire protection requirements.
17. Roads within development as shown on concept plan are acceptable to fire department. The main perimeter road shall be 24 feet wide. Access roads between buildings may be 20 feet wide. Note: A 16-foot wide fire access road leading to lower creek area shall be provided and shall include a turn-around. If the road grade to creek area exceeds 14%, it shall be constructed with PCC and heavy broom finish perpendicular to path of vehicle travel.
18. The roadways, including road to lower creek area, that serve project shall be all weather design; maintained to support the imposed loads of fire apparatus not less than 75,000 pounds; and provide access around perimeter of structure. Note: all 20 and 24-foot wide roads and drive lanes shall be posted with 'No Parking –Tow Away Zone' signs approved by the fire department.
19. Fire hydrants with an adequate fire flow (gpm) and flow duration shall be installed on streets and/or between buildings. Industrial type hydrants shall be installed. Note: Fire flow requirements are based on building size (square feet) and construction type; Fire flow will be determined at later date. Hydrant spacing shall be 300 feet between fire hydrants. One hydrant must be installed at top of 16 foot access road to lower creek area, near the Fire Department Connection for Class-I Standpipe.
20. A Fire Sprinkler System that complies with NFPA 13R is required for all multi-family dwelling units. Any proposed retail spaces must comply with NFPA-13. Note: Exterior stand-alone, class-I standpipe outlets, interconnected to fire sprinkler system and fed by shared FDC's WILL be required in courtyards between buildings, on south end of parcel and other areas to meet minimum/max hose pull distance of 150-feet.
21. Class-I standpipe and Fire Department Connection (FDC) shall be provided and installed near southeast residential building, where 16-foot road leads to lower creek area. A fire hydrant shall be provided within 50 feet of the FDC. The

Class-I standpipe hose outlets shall be installed near bottom of road to creek area, near turn-around, in location approved by fire marshal.

22. Notification systems required for multi-family residential units. Fire alarm shall comply with 2013 CFC and 2013 NFPA 72.
23. All buildings shall be addressed per SMFD requirements. Also, a Monument Sign with address numbers shall be at main entry point to development.
24. Lighted Directory Signs are required at each entry drive to project; one sign at Twin Oaks entry drive and one sign at west perimeter road. Directory sign shall meet San Marcos Fire Dept. specifications (contact Fire Dept. for spec. sheet). Directories shall be placed at all driveway entry points on right side of and near drive entry or other approved area. Specific location shall be determined and approved by fire department.
25. 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
26. Knox Boxes, Knox Key switches and master keys will be required for each building; and all pedestrian gates or any proposed vehicle gate that limits access.
27. No above ground utility furniture shall be allowed within the public sidewalks, with exception of the VWD detector check which shall be screened with landscape. All utility placement issues must be approved by the City of San Marcos Planning Department prior to establishing a final utility plan. Utilities shall be located in architecturally designed utility closets, underground vaults, or behind the building away from public street view. Utility plans shall be submitted along with the modified site plan.
28. The subdivider shall file a Letter of Map Revision based on Fill (LOMR-F)/ Letter of Map Revision (LOMR) and provide all supporting documentation provided to DHS-FEMA to the City's Floodplain Administrator. A copy of the LOMR shall be provided to the City.
29. 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 base lift of asphalt on all roads serving the area under construction shall be completed to the satisfaction of the Fire Marshal. All proposed fire hydrants shall be operational prior to the delivery of combustible materials to the project site.
2. A Pre-Construction meeting is required, prior to any site work, including final grading. The Applicant shall submit a site map showing available, class-II base fire access roads, with usable water supply from approved fire hydrants, prior to any construction taking place or combustible materials being stored on site.

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.

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

1. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate whatever the features are standard, limited, optional or not available, and the point of construction by which they must be requested.
2. 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.
3. All applicable easements and agreements shall be recorded prior to occupancy.
4. Prior to occupancy the Maintenance of private open space areas and slopes shall be the responsibility of the applicant/developer. All remaining open space areas and slopes that the City agrees to maintain must comply with City's criteria for maintenance by the City's CFD Districts.

5. Submit certification of completion of landscaping per approved plans including hardscape and streetscape areas.
6. A final recorded copy of the CC&R's shall be provided to the City. Final recorded copy shall reflect any comments provided during the review of the draft CC&R's.
7. 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.

M. During Occupancy, the following conditions shall be complied with:

1. The management company and/or HOA Board shall ensure they assume all responsibilities to maintain the project in a high quality manner.
2. During occupancy, the management company will be responsible for the distribution and monitoring of parking stickers to its residents. The management company will also be responsible to monitor the availability of guest parking spaces on-site. Information shall become available upon request by the City to verify the monitoring of parking on-site.

N. A Parking Management Plan shall be provided and include or consider the following components: ensuring the plan is sufficiently funded to implement the Parking Management Plan to limit access to resident spaces, registering vehicles in the development, monitoring use of parking restrictions of the parking spaces within the development and actively administering the parking policies, institute a parking sticker program to not exceed parking capacity. The parking management plan shall include provisions to ensure resident parking does not occur in the adjacent retail center's designated parking spaces. The plan shall include strict enforcement of the program including towing of vehicles without stickers with security patrol (if a sticker program is included). There shall also be a prohibition on any type of storage that would preclude the parking of two vehicles in garage areas. The Parking Management Plan shall be monitored and enforced by a management entity and shall be required to: keep accurate records on all occupants and vehicle registration information, designate & monitor all parking space assignments for each and every tenant, and contacting local enforcement regarding infractions or need for towing. All parking information shall be made available upon City's request. Final version of parking management plan shall be reviewed and approved by the City Attorney and Planning Manager.

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. 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.

Q. All conditions as stated in the final Resolutions approving the Specific Plan (SP 15-001), Tentative Subdivision Map (TSM 15-002) and Mitigated Negative Declaration (ND 15-005), mitigation measures and a Mitigation Monitoring and Reporting Program are hereby incorporated by reference and shall be complied with.

R. 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 MFSDP 15-001; (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 MFSDP 15-001, but shall survive in perpetuity.

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