SAN MARCOS

City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE: December 4, 2017

SUBJECT: P15-0074: SP 15-010, SDP 15-010, & ND 17-003. JR Legacy/Global Carte. Proposed Specific Plan Amendment and Site Development Plan for a 128-Guest Room Hotel.
APNs: 228-370-01-00, 228-370-02-00, 228-370-03-00, 228-370-04-00, and 228-370-38-00.

Recommendation

Recommend to the City Council adoption of a Specific Plan Amendment (SP) and approval of a Site Development Plan (SDP) for a 6-story, 128-guest room hotel and a partial-subterranean parking structure on a 1.66-acre property within the Phase 1 Area of the Montiel Corporate Center Specific Plan Area (SPA) Zone, and adoption of a Mitigated Negative Declaration (ND).

Introduction

The project site is a 1.66-acre, relatively-level, rectangular, vacant property located on the southwest corner of Montiel Road and Leora Lane. The project proposes to develop a 6-story hotel with 128 guest rooms; a cafe, fitness room, and indoor pool for guests; 141 parking spaces within a partial-subterranean parking structure and surface parking lot; and improvement of Leora Lane for access. The City conducted a public workshop on December 8, 2016 where the project applicant gave a presentation regarding the proposal and answered neighbor's questions.

Discussion

Specific Plan

The project site is zoned and designated per the General Plan Land Use Element as the Montiel Corporate Center (MCC) Specific Plan Area (SPA). In 2005, the City adopted the MCC Specific Plan which covers a 3.32-acre area located along Leora Lane, and consists of ten (10) existing properties as shown in Figure 3 of the MCC Specific Plan (Exhibit A of Resolution PC 17-4676). The MCC Specific Plan is divided into two phases: Phase 1 is located on the west side of Leora Lane and Phase 2 is located on the east side. Each phase is 1.66 acres in size. The current specific plan allows for the development of an approximately 25,000 square foot, commercial/office building in each phase area. Site Development Plan (SDP 04-291) was approved in 2005 to allow for the construction of a 2-story, 24,768 square foot office building in the Phase 1 Area; however, this project was never built. The proposed hotel will be located in the Phase 1 Area.

AGENDA ITEM
2

To the east of the MCC-SPA, properties on Kaylyn Way are zoned and designated Specific Plan (SPA) for commercial purposes; however, they are currently developed with single-family residences which are considered non-conforming uses and structures. Properties to the north, across Montiel Road, are zoned Single-Family Residential (R-1-10) and developed with single-family residences. The property to the west is developed with a commercial center under the Red Rock Center Specific Plan. State Route 78 is located directly to the south.

The project proposes an amendment of the Montiel Corporate Center Specific Plan to change the land use designation of the Phase 1 Area to allow for the hotel development on the subject site as shown in Exhibit A of Resolution PC 17-4676 (SP 15-010). The modified Specific Plan will include new development criteria for a hotel such as building setbacks, height limit, number of guest rooms, floor area ratio, lot coverage, landscaping, architectural details, and parking standards as specified in the Development Standards Section 3.1. The current Specific Plan allows for a building height of sixty (60) feet. The modified Specific Plan would allow for an additional ten (10) feet in height for architectural features provided it is limited to 20% of the roof area. This provision is similar to the height requirements of the Commercial (C) Zone in the Zoning Ordinance. In addition, the properties to the east along the south side of Montiel Road are zoned for a future Specific Plan Area for commercial development and can also have a similar height limit as approved by a Specific Plan.

The Specific Plan Amendment does not propose any changes to the Phase 2 Area. The Phase 2 Area will continue to be designated for a future 25,000 square foot commercial/office building. When a commercial development is proposed for Phase 2, an amendment to the MCC Specific Plan will be required at such time to establish development criteria.

Project Design

The Montiel Corporate Center Specific Plan requires the approval of a Site Development Plan for new development within the plan area. Therefore, SDP 15-010 is proposed in conjunction with the Specific Plan Amendment (SP 15-010) to allow for construction of the hotel development. As shown in Attachment F, the project proposes a 6-story, contemporary-designed hotel which includes architectural enhancements of colored glass, metal cladding, and extruded metal fins. The proposed total height for the hotel will be 70 feet which includes a height of 60 feet for the building plus an additional 10 feet for the roof equipment screening as an architectural feature. This additional height is consistent with the modified Specific Plan requirements. The hotel will include an indoor pool, cafe, and fitness room for guest use. The partial-subterranean parking structure will face State Route 78 and will be partially screened from view by a vegetated screen wall. Landscaping with a mixture of trees, shrubs, and ground cover is proposed throughout the development. Landscaping will be required to comply with the City and State Landscape Water Efficiency Ordinance (SMMC Chapter 20.330). Parking lot lighting will be shielded

downward so as not to spill light onto adjacent properties. The project development proposes a Leadership in Energy Efficient Design (LEED) Certified rating.

The project proposes 141 parking spaces (using a ratio of 1 parking space per guest room and 10 spaces per 1,000 square feet of dining area) and two (2) loading spaces for the hotel which complies with the City's Off-Street Parking Ordinance (SMMC Chapter 20.340). The parking lot includes surface parking with 89 spaces and a partial-subterranean parking structure with 52 lower level spaces. The parking lot is designed to provide adequate circulation for delivery trucks and emergency vehicles.

Driveway entries to the hotel are proposed off of Leora Lane which is a private road off of Montiel Road. The project includes re-paving Leora Lane to a width of 24 feet and reconstructing the driveway entries for the five (5) existing residences on the east side. Leora Lane will continue to provide access to the existing non-conforming residences in the Phase 2 Area until this area is redeveloped with a commercial building in the future. The existing sidewalk along Montiel Road will be extended across the subject site's frontage including installation of a pedestrian ramp to provide ADA access from the sidewalk on Montiel Road to the hotel entrance.

The project site currently consists of five (5) parcels, and therefore will require, as a conditional of approval, a lot consolidation prior to development of the hotel project.

Biological Resources

A biology survey was prepared for the subject site to assess potential biological impacts by the proposed hotel. The site supports approximately 1.45 acres of Non-Native Grassland (NNG), 0.04 acres disturbed land, and 0.17 acres of developed land. Although Non-Native Grassland (NNG) generally provides foraging and nesting habitats for sensitive species, the impact of 1.45 acres of Non-Native Grassland (NNG) would not be considered significant based on its small size and lack of connection with any open space area of biological value. Piles of debris are present from past dumping throughout the property. Along the edge of Montiel Road is 0.17 acres of disturbed land which is dominated by ornamental trees, and 0.04 acres of developed land with a section of asphalted driveway. Therefore, the aforementioned vegetation categories are not considered sensitive habitat.

In accordance with the Migratory Bird Treaty Act, there is the potential for nesting birds to occur within the existing vegetation on the property. Therefore, a nesting survey will be required prior to any disturbance of the site if proposed during the nesting season.

Cultural Resources

In accordance with State law, local Native American tribes were notified and consulted regarding the proposed project in regards to Senate Bill (SB-18) and Assembly Bill (AB-52). A cultural resources study was prepared for the project which analyzed potential prehistoric and historic resources on the subject property. The report indicates there are several archaeological sites within a one-mile vicinity, but no sites have been previously recorded on the property. A field survey was also conducted by the consultant that identified no evidence for prehistoric or historic resources on site. However, there is the potential for subsurface resources to exist; therefore, all ground-disturbing work for the project will be required to be monitored by an archaeologist and Native American observer per a pre-excavation agreement.

Noise

According to the noise study prepared for the project, traffic noise generated from State Route 78 and Montiel Road may potentially impact exterior noise levels for outdoor guest areas (e.g. outdoor pool). The report estimates the potential traffic noise level would be 72 dB CNEL at the proposed pool area. Per the General Plan Noise Element, 65 dB CNEL is an acceptable exterior noise level for exterior uses. In order to mitigate for potential exterior noise impacts to a level below significance, the analysis recommends a minimum six (6) foot high sound attenuation must be installed between the pool area and State Route 78 to reduce potential noise levels to 65 dB CNEL or less. As an alternative to this requirement, the project proposes an indoor pool within the building to avoid potential noise impacts. In addition, the Noise Element specifies interior noise levels must not exceed 45 dBA CNEL for the guest rooms. The California Building Code requires the hotel to be constructed to comply with this standard.

The primary noise source on-site would be the HVAC equipment. The rooftop mechanical equipment would be housed within a screened mechanical equipment enclosure. The noise study estimates the potential noise generation from HVAC equipment would comply with the Noise Ordinance requirements. Also according to the study, any potential increase in traffic noise as a result of vehicles traveling to and from the hotel would be considered less than significant based on the estimated Average Daily Trips (ADT) for the project.

Traffic

A traffic study was prepared for the proposal which indicated a trip generation rate of 896 Average Daily Trips. The study analyzed seven (7) intersections and four (4) road segments within the immediate vicinity. Levels of Service (LOS) of D or better comply with City standards. Based on existing conditions, all of the study intersections and road segments currently operate at LOS D or better, except for the following intersections:

- Nordahl Road & SR-78 Eastbound Ramps- LOS E during PM peak hour.
- Mission Road & Auto Parkway- LOS F during PM peak hour.

The traffic study considered the project's potential traffic impacts upon existing conditions. With the proposed project, each intersection and road segment analyzed in the study would continue to operate at its existing level of service. Although the two intersections listed above are operating at LOS E and LOS F, the increase in delay due to the project is less than the significance threshold of 2 seconds.

In addition, the traffic study also considered existing conditions plus cumulative projects. Based on these conditions, the surrounding intersections and road segments are calculated to operate at LOS D or better, except for the following intersections:

- Nordahl Road & SR-78 Westbound Ramps- LOS E during PM peak hour.
- Nordahl Road & SR-78 Eastbound Ramps- LOS F during AM and PM peak hours.
- Mission Road & Auto Parkway- LOS F during AM and PM peak hours.

Under existing conditions plus cumulative projects, the surrounding intersections and road segments will continue to operate at the estimated cumulative levels of service. Although the three intersections listed above are operating at LOS E and LOS F, the increase in delay due to the project is less than significance threshold of 2 seconds.

The traffic study also evaluated future traffic volumes for Year 2035. With or without the proposed project, all study intersections and road segments are calculated to operate at LOS D or better, except at the following intersections:

- Nordahl Road & Center Drive (South)- LOS E during PM peak hour.
- Nordahl Road & SR-78 Westbound Ramps- LOS F during PM peak hour.
- Nordahl Road & SR-78 Eastbound Ramps- LOS F during AM and PM peak hours.
- Mission Road & Auto Parkway- LOS F during AM and PM peak hours.
- Rock Springs Road & Montiel Road- LOS F during AM peak hour.

Although the four intersections listed above are operating at LOS E and LOS F, the increase in delay due to the project is less than the significance threshold of 2 seconds with the exception of the Rock Springs Road & Montiel Road intersection. This unsignalized intersection is located within County jurisdiction where a different significance criteria is applied. As such, the increase in traffic due to the project during the AM peak hour is less than the significance threshold of 5 peak hour trips on a critical movement (i.e. northbound left-turn).

The project will contribute toward City-wide traffic resulting in potential cumulative impacts to State Route (SR-78) which currently operates at below-satisfactorily Levels of Service. In order to mitigate for SR-78 cumulative impacts, the proposed project shall financially participate in the Congestion Management Community Facilities District (CFD) 2011-01 which will assist in the reduction of City-wide traffic congestion and impacts to SR-78.

Utilities

In order to comply with the City's Storm Water Management Regulations, the project proposes low impact site-design Best Management Practices (BMPs) which include natural infiltration into landscape areas and a bio-retention basin along the south side of the development. The basin will be landscaped in accordance with the water quality improvement plans. Construction BMPs will be required as well. The property owner will be required to maintain the bio-retention basin. The project includes a storm drain connection to an outfall within the adjacent State Route 78 Right-of-Way.

Sewer and water services for the proposed project will be provided by the Vallecitos Water District (VWD). A water and sewer study was prepared by VWD which determined that adequate water storage, wastewater treatment/disposal, and land outfall capacities exist at this time. The developer will be required to install or pay a fee toward the upgrading of sections of pipeline or portions thereof as determined by VWD, to increase flow for approximately 2,800 feet of sewer main within existing VWD easements along the State Route 78 right-of-way. If not budgeted as VWD Capital Improvement Projects by the time of the hotel construction, the proposed project may also be required, as determined by VWD, to upgrade an additional 3,400 feet of existing sewer pipeline along State Route 78 right-of-way and replace the Montiel Lift Station. As a potential alternative to the aforementioned improvements, a contribution as determined by VWD may be required to be paid by the applicant for installation, or a portion thereof, of the proposed Montiel Gravity Outfall which is a pipeline linking the Montiel sewer shed's collection infrastructure to the collection system in Mission Road, south of State Route 78 in the City of Escondido.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (ND 17-003) was prepared by the City for the proposed project, and circulated for public review from July 27, 2017 to August 17, 2017. One comment was received from the San Luis Rey Band of Mission Indians which concurred with the MND mitigation for cultural resources. Due to a mailing error regarding the Notice of Availability for the MND, the Mitigated Negative Declaration was re-circulated for public review from August 30, 2017 to September 20, 2017. One comment was received from CalTrans during this comment period which indicates that the proposed storm drain connection to the existing inlet within

State Route 78 right-of-way requires review and issuance of an encroachment permit from CalTrans. The SDP resolution is conditioned for this requirement.

Public Comment

A public workshop was conducted with surrounding neighbors on December 8, 2016 which was attended by seven (7) neighbors who inquired about the proposed project, and expressed concerns regarding speeding vehicles on Montiel Road and code enforcement issues related to an existing house on Leora Lane.

Written comments were received from a neighbor, Ms. Allison Ramirez, who expressed concerns on why she was not notified of the proposed hotel. As indicated in staff's response to Ms. Ramirez (Attachment E), the Zoning Ordinance (SMMC Ch. 20.505) requires all properties within 500 feet to be notified of proposed entitlement projects. Ms. Ramirez's property is located outside of the 500-foot radius for notification. However, since Ms. Ramirez inquired about the project, her mailing address was added to the project notification list. In a subsequent email, Ms. Ramirez expressed concerns that the proposed building would block the view of the valley from her property. In response, the City's Zoning Ordinance does not regulate private views.

Staff was also contacted by the adjacent business, Coles Fine Flooring, regarding the possibility of the proposed hotel to block direct sunlight to the existing solar panels on the roof of the Coles building. As shown on Page 13 of the architectural drawings (Attachment F), it is estimated that the proposed hotel would cast a shadow on a small portion of the Coles building around 8 o'clock each morning. This exhibit was provided to the adjacent business.

Attachment(s)

Adopting Resolutions: PC 17-4676 and PC 17-4678

- A- Vicinity Map
- B- Requested Entitlements
- C- Site & Project Characteristics
- D- Negative Declaration
- E- Public Comments
- F- Site Development Plan (site plan, elevations, grading, landscaping, etc.)

SAN MARCOS

DISCOVER LIFE'S POSSIBILITIES

City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

Prepared by:

Norm Pedersen, Associate Planner

Reviewed by:

Saima Qureshy, AICP, Principal Planner

Reviewed by:

Peter Kuey, Principal Civil Engineer

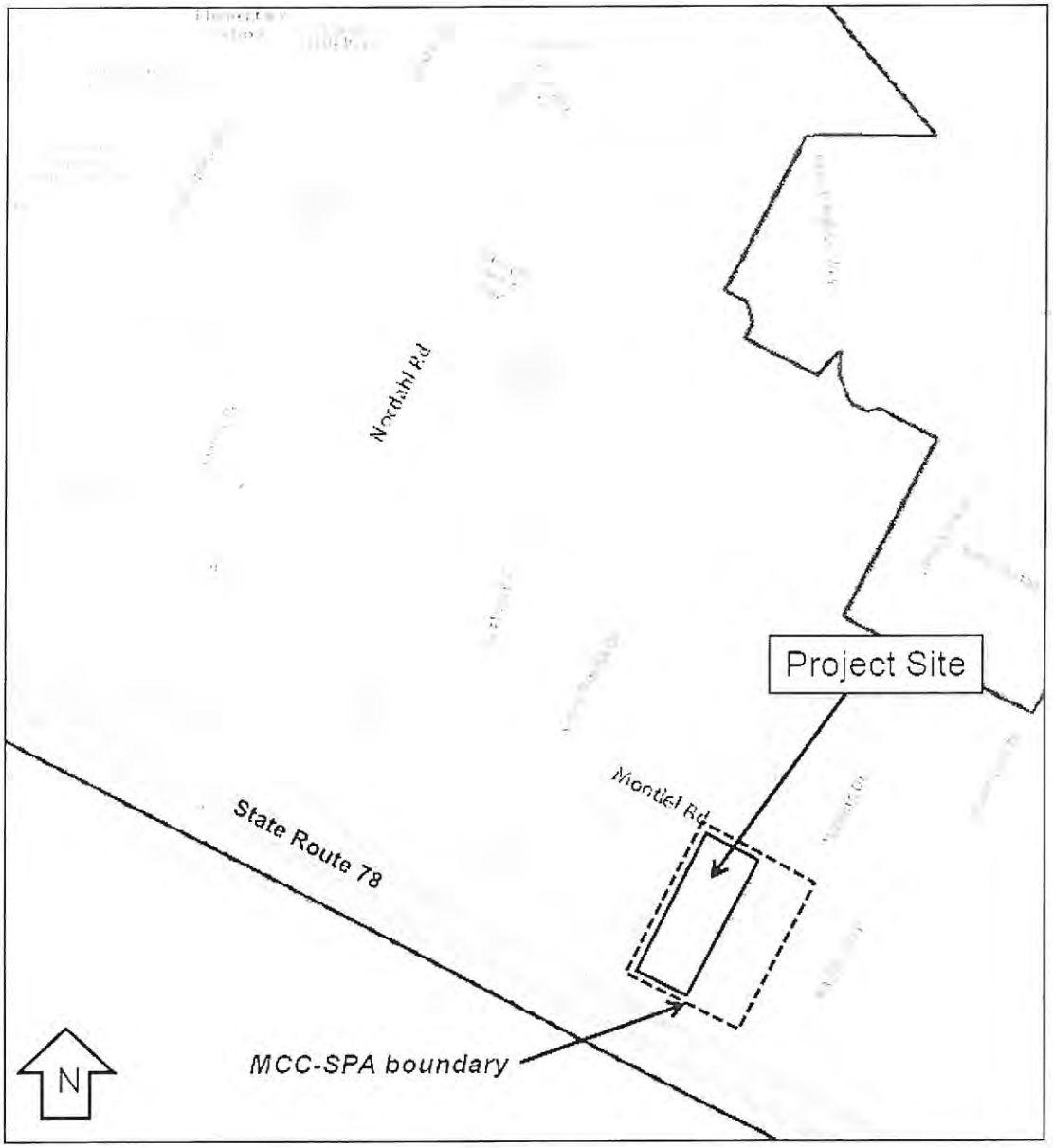
Submitted/Approved by:

Karen Brindley, Planning Division Manager

City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

ATTACHMENT A

Vicinity Map



VICINITY MAP

P15-0074: JR Legacy / Global Carte
Location: Southwest corner of Montiel Road and Leora Lane
APNs: 228-370-01-00, 228-370-02-00, 228-370-03-00, 228-370-04-00, and 228-370-38-00

ATTACHMENT B
Requested Entitlements

- A Specific Plan Amendment (SP 15-010) and Site Development Plan (SDP 15-010) for a 6-story, 128-guest room hotel within the Montiel Corporate Center Specific Plan Area (SPA) Zone, and adoption of Mitigated Negative Declaration (ND 17-003).

SAN MARCOS

City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

ATTACHMENT C

Site & Project Characteristics

Property	Existing Land use	Zoning	General Plan Designation
Subject	Vacant	SPA	Montiel Corporate Center Specific Plan Area
North	Single-Family Residential	R-1-10	Very Low Density Residential (2.1 to 4.0 dwelling units per acre)
South	State Route 78		
East	Non-conforming Single-Family Residential	SPA	Specific Plan Area for Commercial Purposes
West	Commercial Center	SPA	Red Rock Center Specific Plan Area

Flood Damage Prevention Overlay Zone	___yes _x_no
Airport Overlay Zone	_x_yes __no
Sewers	_x_yes __no
Septic	___yes x_no
Water	_x_ yes __ no
Gen. Plan Conformance	_x_yes __ no
Land Use Compatibility	_x*_yes __no

*with approval of a Specific Plan Amendment.

ATTACHMENT D

Negative Declaration 17-003

City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069

ATTACHMENT E
Public Comments

From: Allison Ramirez
To: Pedersen, Norman
Subject: Re: 7 story hotel/motel Montiel Road; HEARING NOTICES NOT BEING RECEIVED
Date: Thursday, January 12, 2017 1:29:10 PM

Hi Norm!

Happy New Year, thank you for responding, makes sense at 500 feet, I would appreciate the notices as my view of the valley will be disrupted by a ugly building and that's no fun for my sunset nights! I hope the City considers that any new development in this immediate area, let's go 1,000 feet, most all residents are the original owners, such as myself and husband, my in-laws purchased the home in 1983, and we family transaction in 2008, no doubt the community will have questions, just as I :)
I heard from my neighbor also that those whom did attend didn't so much ask about the project it self, but more so about the "house on the corner", what is the City going to do about that house on the corner?
Well if the City is struggling to get notices out for codes or compliance issues with no response, that's because the owner of the home lives in Spokane Washington, I am happy to share with you her contact information if you would like it, only if you were to keep me confidential?

Let me know, thanks again Norm!

Allison Ramirez

On Wed, Jan 11, 2017 at 8:16 AM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:

> Allison,
>
> Thanks for your email. Happy New Year.
>
> In regards to noticing of proposed projects, properties within 500 feet of a project site are notified of a proposal in accordance with the Zoning Ordinance requirements. In addition, a notice sign is posted on the project site. In the case of your property, it is located outside of the 500 foot radius, so that is why you did not receive a notice. However, I will add your address information to the mailing list so that you will receive future public notices regarding the proposed hotel. Below is the project description. If you would like to view the proposed plans, you are welcome to come by the Planning Division counter at City Hall and I can assist you with that.
>
> "The proposed Specific Plan and Site Development Plan would allow for the construction of a 6-story hotel with 127 guest rooms; a cafe, fitness center, and pool for guests; and 141 parking spaces (including a parking structure) on a 1.66-acre property in the Specific Plan Area (SPA) Zone."

If you have any questions, please feel free to contact me.

Thanks

Norm Pedersen

Associate Planner

City of San Marcos Planning Division

760.744.1050 x3236

npedersen@san-marcos.net

From: Allison Ramirez [mailto:allison.m.ramirez@gmail.com]
Sent: Tuesday, January 10, 2017 12:36 PM
To: Pedersen, Norman; Desmond, Jim
Subject: 7 story hotel/motel Montiel Road; HEARING NOTICES NOT BEING RECEIVED

Hi Norm,

Its your favorite San Marcos resident, in speaking with my neighbor on Saturday, I was advised that there was a meeting in reference to a continued proposed planning of a "hotel or motel" on Montiel Road, a 7 story tall structure, next to Coles Carpets?

Can you follow up for me on why I was not notified, this has come up before and you assured me I would always receive notices.

I would greatly appreciate a quick response, and the assurance that I will receive all future notices.

Thank you,

Allison Ramirez

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San Marcos Hotel
2151 Montiel Road, San Marcos, CA 92069

Planning Re-Submittal 9-25-2017

RECEIVED
CITY OF SAN MARCOS
PLANNING DIVISION

TUCKER SADLER
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(P) 619 . 236 . 1662 (F) 619 . 236 .9257

JR Legacy II, LLC
c/o Pier Point Management, LLC
P.O. Box 124668
San Diego, CA 92112
(P) 619.633.9808

LICENSED ARCHITECT
BRUNO M. CASTRO
No. C-17505
Exp. 3/31/19
STATE OF CALIFORNIA

HOTEL MONTIEL

2151 MONTIEL RD. SAN MARCOS, CA 92069

ISSUED: SAN MARCOS PLANNING REVIEW

REVISIONS:	DATE:
PLANNING RESUBMITTAL	09/15/2016
PLANNING RESUBMITTAL	10/28/2016
PLANNING RESUBMITTAL	09/25/2017

SHEET TITLE:
PROJECT COVER PAGE

PROJECT NUMBER: 21079.00
DATE: 2/8/2016

SCALE: AS INDICATED

DRAWING NUMBER: 01

DATE PRINTED: 11/20/2017 12:58:10 PM

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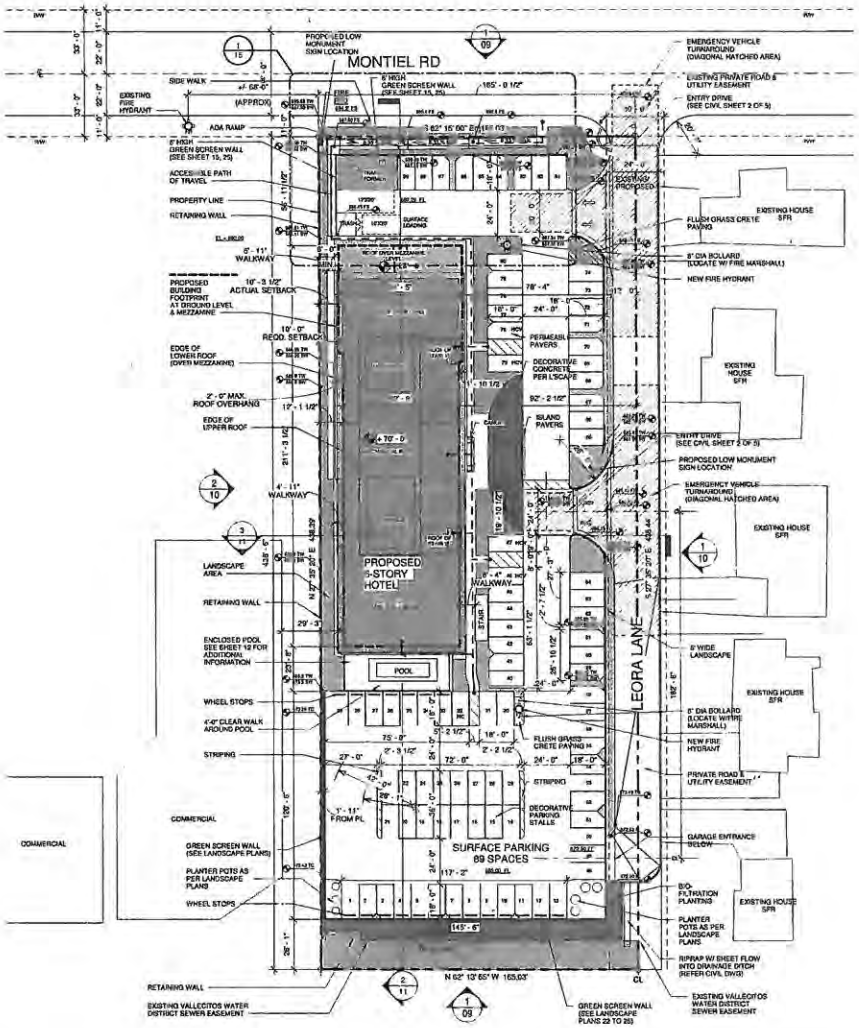


1 SITE PLAN GROUND LEVEL
1" = 30'-0"

89 PARKING SPACES
5 ADA PARKING

NOTES:

1) ALL DRIVEWAYS SHALL BE CONSTRUCTED OF CONCRETE - SEE PLAN

2)SEE FIRE ACCESS PLAN SHEET 1 OF 1 FOR REFERENCE

3) SEE GRADING AND DRAINAGE PLANS IN THIS SUBMITTAL FOR REFERENCE

4) SITE WILL BE SERVED BY VALLECITOS WATER DISTRICT

PARKING ANALYSIS			
USE	QUANTITY / SF	REQUIRED PARKING STALLS	PROPOSED PARKING STALLS
HOTEL GUEST ROOMS	126	126 (1) PER GUESTROOM	128
CAFE SEATING	1246 SF	12 (10) PER 1000 SF	13
TOTAL		140	141
ADA PARKING SPACES		5	5

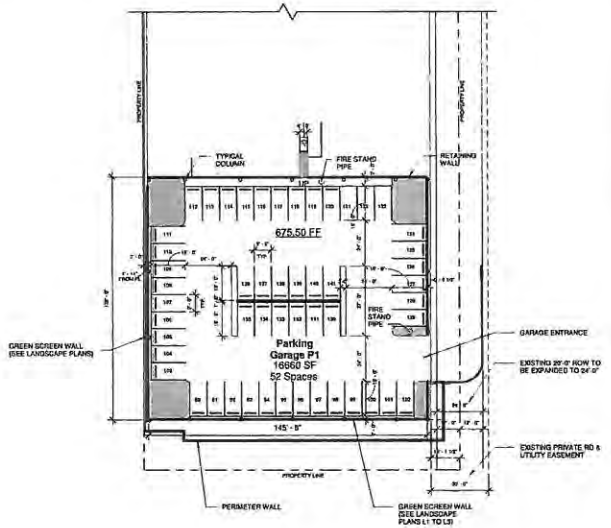
PARKING NOTES:

1. PARKING PROPOSED = 89 ON GRADE SPACES (INCLUDING (5) HC ACCESSIBLE SPACES) AND 52 LOWER LEVEL PARKING GARAGE SPACES.
2. FITNESS CENTER IS FOR REGISTERED HOTEL GUEST USE ONLY. PARKING CALCULATION ASSUMES GUEST ALREADY ONSITE AND INCLUDED IN GUEST ROOM CALCULATION.
3. KITCHEN IS A HOTEL STAFF ONLY USE NO GUEST ACCESS.
4. THERE IS NO RESTAURANT ON SITE. A SELF-SERVE HOTEL GUEST PANTRY IS PROPOSED W/OPEN CAFE SEATING.

FIRE HYDRANT:

1. FIRE HYDRANT ARE SHOWN DIAGRAMATICALLY. (2) NEW HYDRANTS ARE ANTICIPATED ON SITE. EXACT LOCATIONS TO BE DETERMINED BY FIREMARSHAL. (1) (e) FIRE HYDRANT ALONG MOTTEL ROAD TO REMAIN AS SHOWN.

ACCESSIBLE PATH OF TRAVEL
PARKING/ENTRIES/PUBLICWAY



* FIRE SPRINKLERS PROVIDED

2 GARAGE LEVEL (BELOW)
1" = 30'-0"

52 PARKING SPACES

TUCKER SADLER
1620 Fifth Avenue Suite 200, San Diego, Ca 92101
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PierPoint

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c/o Pier Point Management, LLC
P.O. Box 124668
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(P) 619.633.9808

LICENSED ARCHITECT — JEFFREY M. CASTRO — No. C-18004 — Exp. 3/31/19 — STATE OF CALIFORNIA

HOTEL MONTIEL

2151 MONTIEL RD. SAN MARCOS, CA 92069

ISSUED: SAN MARCOS PLANNING REVIEW

REVISIONS:	DATE:
PLANNING RESUBMITTAL	09/15/2016
PLANNING RESUBMITTAL	10/26/2016
PLANNING RESUBMITTAL	09/25/2017

SHEET TITLE:

SITE PLAN & GARAGE LEVEL

PROJECT NUMBER: 21079.00

DATE: 2/8/2016

SCALE: AS INDICATED

DRAWING NUMBER: 04

DATE PRINTED: 11/20/2017 12:50:19 PM

RESOLUTION PC 17-4676

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT OF THE MONTIEL CORPORATE CENTER SPECIFIC PLAN

P15-0074
SP 15-010
JR Legacy / Global Carte

WHEREAS, on October 29, 2015 an application was received from JR Legacy/Global Carte requesting an amendment of the Montiel Corporate Center Specific Plan to allow for a 128-guest room hotel and semi-subterranean parking structure, in conjunction with a Site Development Plan (SDP 15-010), located on the south side of Montiel Road at Leora Lane in the Richland Neighborhood, more particularly described as:

> Parcels 1, 1A, 1B, 1C, 3, 13, Block 7 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.
>
> Assessor's Parcel Numbers: 228-370-01-00, 228-370-02-00, 228-370-03-00, 228-370-04-00, 228-370-06-00, 228-370-07-00, 228-370-08-00, 228-370-09-00, 228-370-38-00, and 228-370-49-00.

WHEREAS, the Montiel Corporate Center Specific Plan was adopted by City Council on October 11, 2005; and

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

WHEREAS, a public workshop with the general public was held on December 8, 2016; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-003) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission held a public hearing on December 4, 2017 that was duly advertised and held in the manner prescribed by law; and

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

1. The proposed Specific Plan Amendment complies with the objectives of the adopted City-wide Land Use Policy Plan in that the proposed amendment of the Montiel Corporate Center Specific Plan will change the land use of its Phase 1 Area to allow

AGENDA ITEM
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for the development of a hotel which is a use that has no greater intensity than other commercial uses, and proposed change will help to provide a variety of uses within the commercial-designated Specific Plan Areas along the south side of Montiel Road.

2. The proposed Specific Plan Amendment will not be detrimental to the public health, safety, and welfare in that the proposed hotel will be conditioned through a Site Development Plan, as required by the Montiel Corporate Center Specific Plan, for architectural treatment, building setbacks, landscaping, parking, and adequate public facilities and infrastructure, including fire, police, water, sewer, and street improvements.

NOW, THEREFORE, the Planning Commission resolves as follows:

A. The foregoing recitals are true and correct.

B. Mitigated Negative Declaration (ND 17-003) is hereby recommended to the City Council for adoption pursuant to the California Environmental Quality Act (CEQA).

C. This Specific Plan, as shown on the attached "Exhibit A", is hereby recommended to the City Council for adoption.

D. This Specific Plan is adopted in conjunction with the submitted Site Development Plan (SDP 15-010), and all conditions of approval specified in Resolution PC 17-4678 are hereby incorporated by reference herein.

E. Prior to the submittal of grading, final maps, and/or building permit application, whichever comes first, the applicant shall submit the specific plan (in color) as an editable digital file on a CD and two (2) hard copies to the Planning Division for review and final approval.

F. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of llablhtles arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; {ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 4th day of December, 2017, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

Eric Flodine, Chairman
City of San Marcos Planning Commission

ATTEST:

_____

Lisa Kiss, Office Specialist III
City of San Marcos Planning Commission

Attachment: Exhibit "A"

EXHIBIT "A"
SPECIFIC PLAN

RESOLUTION PC 17-4678

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A 6-STORY, 128-GUEST ROOM HOTEL IN THE MONTIEL CORPORATE CENTER SPECIFIC PLAN AREA (SPA)

P15-0074
SDP 15-010
JR Legacy / Global Carte

WHEREAS, on October 29, 2015 an application was received from JR Legacy/Global Carte requesting a Site Development Plan to construct a 6-story, 128-guest room hotel and semi-subterranean parking structure, in conjunction with Specific Plan (SP 15-010), on a 1.66-acre property located at the southwest corner of Montiel Road and Leora Lane within the Montiel Corporate Center Specific Plan Area (SPA) in the Richland Neighborhood, more particularly described as:

> Parcels 1, 1A, 1B, 1C, and 3, Block 7 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.
>
> Assessor's Parcel Numbers: 228-370-01-00, 228-370-02-00, 228-370-03-00, 228-370-04-00, and 228-370-38-00.

WHEREAS, the Montiel Corporate Center Specific Plan was adopted by City Council on October 11, 2005; and

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

WHEREAS, a public workshop with the general public was held on December 8, 2016; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-003) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission held a public hearing on December 4, 2017 that was duly advertised and held in the manner prescribed by law; and

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

1. The Site Development Plan is consistent with the General Plan Land Use designation of Specific Plan Area (SPA) and the development standards of the Montiel Corporate

AGENDA ITEM
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Center Specific Plan.

2. The project site does not contain any substantial trees; therefore, the proposed Site Development Plan will not unnecessarily remove trees and natural vegetation, but will plant new trees throughout the proposed development including street trees along Montiel Road, Leora Lane, and State Route 78.

3. The project site is generally void of any topographical features and as a result, the proposed Site Development Plan will not have any impact on natural landforms and ridgelines nor will it include excessive or unsightly grading of hillsides or otherwise adversely affect the natural setting of the project site in that it is a relatively level vacant property surrounding by existing development.

4. The project site is not adjacent to or within the vicinity of any landforms or vegetation, but is surrounding by existing development; therefore, the proposed Site Development Plan is in scale and harmonious with existing and future development within the area in that the Montiel Corporate Center Specific Plan establishes development criteria for the proposed hotel, including height limit, building setbacks, floor area ratio, and lot coverage, which is similar to other commercial development.

5. The Site Development Plan, as conditioned, will 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.

6. The Site Development Plan includes the development of structures and landscaping that will implement the Montiel Corporate Center Specific Plan, Zoning Ordinance, and California Building Code.

7. The design and location of architecture and signs, through an approved Comprehensive Sign Program, will be consistent with the character and scale of the building to which they will be attached and the signs are visually harmonious with surrounding development.

8. The Site Development Plan, as conditioned, will provide all required on-site and off-site public improvements as deemed necessary by the City Engineer.

9. The Site Development Plan provides parking areas and landscaping consistent with the Montiel Corporate Center Specific Plan and City Zoning Ordinance and in a manner that visually enhances the physical use of the property.

NOW, THEREFORE, the Planning Commission resolves as follows:

A. The foregoing recitals are true and correct.

B. Mitigated Negative Declaration (ND 17-003) is hereby recommended to the City Council for

adoption pursuant to the California Environmental Quality Act (CEQA).

C. This Site Development Plan is hereby recommended to the City Council for approval per the submitted site plan, architectural elevations, floor plans, and conceptual landscape plan dated September 25, 2017, except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 17-4678.

D. This Site Development Plan is hereby recommended to the City Council for approval in conjunction with the submitted Specific Plan Amendment (SP 15-010), and all conditions of approval specified in Resolution PC 17-4676 are hereby incorporated by reference herein.

E. Within thirty (30) days of the approval of the Site Development Plan (SDP 15-010), the approved site plan, architectural elevations, floor plans, and conceptual landscape plan shall be submitted as a digital file on a CD including this resolution number on the title page. The title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of RESOLUTION PC 17-4678." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to submittal of any grading plan, improvement plan, or building permit submittal.

F. General Provisions

1. Applicant/developer 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/developer shall ensure that prospective purchasers sign a disclosure to inform the prospective buyer the project site is within the City's Community Facilities Districts and the proposed assessments.

3. 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.

4. The applicant/developer 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. All design requirements and mitigation measures of Mitigated Negative Declaration (ND 17-003) shall be implemented.

G. Prior to issuance of any 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. 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 storm water treatment improvements. The agreement and easement shall be in a form acceptable to the City Attorney.

3. The applicant/ developer shall obtain approval for the final storm water quality management plan (SWQMP). The final SWQMP shall reflect the final grading design and be in substantial conformance with the preliminary SWQMP.

4. 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.

5. The applicant/developer shall obtain approval from CalTrans for the storm drain connection to CalTrans storm water conveyance system within its right-of-way and requires issuance of an encroachment permit by CalTrans.

6. The applicant/developer shall apply for a public improvement permit compliant with SMMC 14.16. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contained herein. This shall include a guardrail along the Montiel Road right-of-way at the location of the proposed retaining wall, if deemed necessary. All appropriate fees shall be paid for the processing of the permit.

7. A certificate of compliance for property merger/boundary adjustment shall be recorded for the properties (APNs: 228-370-01-00, 228-370-02-00, 228-370-03-00, 228-370-04-00, and 228-370-38-00) within the project boundary.

8. The applicant/developer shall enter into a Development Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.

9. The applicant/ developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real

property of the project into the following Community facilities Districts (CFD):

a. CFD 98-01 - Improvement Area No. 1, Police Only
b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
c. CFD 2001-01 – Fire and Paramedic
d. CFD 2011-01 – Congestion Management

No permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation the applicant/developer may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The applicant/developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

10. Leora Lane is to be maintained through a "Private Road Maintenance Agreement". The applicant/ developer shall coordinate with the individual property owners served by Leora Lane to enter into a recorded joint maintenance agreement to ensure adequate maintenance of all improvements within the boundaries of the private street. The applicant/developer shall protect or replace any existing private improvements within Leora Lane. The agreement shall be in a form satisfactory to the City Attorney and shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.

11. The applicant shall obtain a letter of permission to grade from the property owners along Leora Lane for the re-construction of Leora Lane and the associated driveways.

12. The exact depth of the street structural section and subgrade requirement for Montiel Road and Leora Lane shall be determined based on subgrade "R" value tests, appropriate traffic index rating and the geotechnical engineer's recommendation.

13. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any grading 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. The Phasing Plan shall explain how and when the Leora Lane residents will be notified of any work that may impact their access rights along Leora Lane and Montiel Road.

14. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding

must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the [developer/applicant] shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.

15. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.

16. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services, including the upsizing of sections of sewer collection line in accordance with the water/sewer study prepared for the project as determined by VWD, and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.

17. The applicant/developer shall submit "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.

18. Six (6) inch high Portland Cement Concrete (PCC) curbing shall be designed separating all paved areas from all landscaped areas, unless curb cuts or at-grade curbs are utilized to accommodate water quality objectives, as approved by the City Engineer. Where curbing may conflict with vehicle turning movements, corner cutoffs or radii shall be provided as required by the Fire Department.

19. Fire hydrants shall be shown on the plans in locations to the satisfaction of the Fire Marshal.

20. Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 1st to September 15th. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.

21. The applicant/developer shall comply with the following conditions regarding

cultural resources:

a. An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.

b. Prior to beginning project construction, the applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation.

c. At least thirty (30) days prior to beginning project construction, the applicant/developer shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.

d. Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.

e. The pre-construction meeting with the developer, contractor, and City staff shall include the project archaeologist and tribal monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the project archaeologist regarding proposed archaeological techniques and strategies for the project.

f. Import fill shall be clean of cultural resources and documented as such.

g. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.

h. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

i. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must them immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

j. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under the required agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the project archaeologist and the tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental

Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

22. Under separate permit, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:

a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect and incorporate all revised landscape comments.

b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.

c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet if in public view. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.

d. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, Section 20.330 of the San Marcos Municipal Code in addition to State of California water efficiency requirements.

e. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Storm Water Quality Management Plans.

f. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division for plant quality and compliance with minimum size requirements. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all

landscaping/irrigation shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

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

1. The approved precise grading plans shall be attached to the building plans.

2. 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.

3. 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.

4. 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.

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. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.

7. The 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.

8. 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.

9. The proposed development is subject to the requirements of the City Fire Code Mid-Rise Ordinance (SMMC Section 17.64.210).

10. Emergency responder radio coverage shall comply with Section 510 of the California Fire Code.

11. 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.

12. 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.

13. Roof drain systems shall be designed for 3-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge and shall discharge to landscaped areas when feasible. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations. Roof drainage shall comply with the City's storm water management measures.

14. The building permit applicant for the proposed development, redevelopment, or discretionary use shall pay Public Facilities Fees (PFF) as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use.

15. The proposed new development is subject to the payment of School Fees as required by law. The applicant/developer is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.

16. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.

17. The applicant/developer 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.

18. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.

19. All rooftop mechanical units, vents, ducts, etc. shall be screened from street grade and surrounding properties by parapet walls and/or architectural enhanced enclosures as approved by the Planning Division. A roof plan and cross sections showing lines-of-sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Cut sheets of actual units shall be included with plans. Screening plan shall be approved by the Planning Division prior to

issuance of a building permit.

20. All exterior lighting shall comply with City standards for high energy-efficient fixtures, except for low-wattage architectural lighting. All fixtures shall be approved by the City.

21. Architectural lighting plan (photometric) shall be included with the building plans and show the type, style, and location of all exterior building and parking lot lights. Plans shall include photo of fixture and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc. Exterior lighting for the parking lot shall be shielded to direct light downward.

22. Building address shall be clearly labeled with minimum twelve (12) inch high numbers for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).

23. The trash enclosure (minimum dimensions of fourteen (14) feet wide by ten (10) feet deep by six (6) feet high) for trash and recycling containers shall be constructed to match the main buildings in color and texture. In addition, the enclosure shall have solid view-obscuring, double swinging gates; must have a flat impervious, concrete slab designed not to allow run-on from adjoining areas; contain attached lids on all trash and recycling containers; and a roof to minimize direct precipitation.

24. The applicant/developer shall submit a Comprehensive Sign Program to the Planning Division for review and approval. Following review and approval of the comprehensive sign program, all proposed signage requires approval of a separate sign permit.

25. The applicant/developer shall disclose to future owners of the proposed project that the property is located within the Airport Influence Area of McClellen-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors). Disclosure shall be recorded with the County Recorder's Office prior to building occupancy.

I. During the construction phase(s), the following conditions shall be complied with:

1. A test sample of the proposed exterior colors shall be applied to a mock-up with an area large enough to be representative of the finished color scheme. This sample shall be inspected and approved by the Planning Division prior to painting of the buildings. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Manager. The applicant/developer shall be responsible to contact the Planning Division for inspection.

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 Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.

4. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.

5. Water wells shall be reconstructed or abated in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by San Diego County Environment Health Department.

6. The project shall comply with Regional Air Quality Standards.

7. At least one copy of the approved plans, approval letters and conditions of approval shall be available for review at the job site at all times.

8. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or holidays observed by the City of San Marcos. Failure to comply with result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS, and the issuance of citations as appropriate. Citations for hours of work violations require mandatory court appearance in North County Superior Court.

9. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.

10. The base lift of asphalt on all roads serving the area under construction shall be completed and all proposed fire hydrants shall be operational prior to the delivery of combustible materials to the project site.

11. The applicant/ developer shall maintain vehicular and pedestrian access to

Montiel Road for the residents along Leora Lane throughout construction. Any disturbance to access shall require written approval from the affected property owner(s) and be provided to the owners a minimum of 2 weeks in advance.

J. Prior to occupancy of any structure on site, the following conditions shall be complied with:

1. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade & adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Division Manager.

2. All landscaping shall be installed, and inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.

3. The applicant/developer shall submit for each phase a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Storm Water Quality Management Plan, respectively.

4. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles. Fire hydrants as shown on the improvement plans shall be installed prior to occupancy.

5. All applicable easements and agreements shall be recorded prior to occupancy.

6. As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.

7. Any change in occupancy in an existing building shall be approved by the City Building Official as required by the latest adopted California Building Code. A new Certificate of Occupancy will be issued after the City has inspected and approves the new use. Buildings or structures shall not be used or occupied until the appropriate City departments and agencies have accepted or approved the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the conditions of approval for the proposed development have been satisfied.

K. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.

L. All trees and landscaping shall be maintained in a healthy, thriving manner. If any

trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.

M. Use of the site shall be conducted so as not to become obnoxious by reason of noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses, and is in compliance with the City Property Maintenance Ordinance.

N. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.

O. This Site Development Plan approval shall lapse and be null and void one (1) year following the date upon which the plans and drawings were approved by the review authority unless prior to the expiration of one (1) year, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.

P. To the extent permitted by law, the 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 permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 4th day of December, 2017, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

Eric Flodine, Chairman
City of San Marcos Planning Division

ATTEST:

_____

Lisa Kiss, Office Specialist III
City of San Marcos Planning Division