

RESOLUTION PC 17-4646

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE A SITE DEVELOPMENT PLAN ALLOWING THE CONSTRUCTION OF UP TO A MAXIMUM OF 220 CONDOMINIUM RESIDENTIAL UNITS IN THE BARHAM/DISCOVERY COMMUNITY

CASE NO.: SDP 17-006 (P16-0037)
H.G. Fenton Development Company LLC

WHEREAS, on September 7, 2016 an application was received from H.G. Fenton Development Company LLC requesting a General Plan Amendment (GPA 17-003), Specific Plan Amendment (SP 16-002), Tentative Subdivision Map (TSM 16-003), Site Development Plan (SDP 17-006) and Grading Variance (GV 17-004) to allow construction of up to 220 condominium residential units located south of the future Discovery Street, west of Rush Drive, east of Bent Avenue & north of Craven Road, more particularly described as:

ALL OR PORTIONS OF LOTS 1 AND 2 OF BLOCK 67, AND LOTS 8, 9, 10, 11, 12 AND 13 OF BLOCK 63 OF RANCHO LOS VALLECITOS DE SAN MARCOS, ACCORDING TO MAP THEREOF 806 AND PARCEL A OF MAP NO. 16595
Assessor Parcel Numbers: 221-080-18, 221-080-24, 221-080-19, 221-080-11, 221-070-20, 221-142-07, 221-080-23, 221-080-12, 221-070-19-00

WHEREAS, THE Planning Commission did consider and recommends approval to the City Council of Mitigated Negative Declaration ((MND 16-001) with a Mitigation Monitoring Plan and Reporting Program in conjunction with recommending approval of General Plan Amendment (GPA 17-003, RESOLUTION PC 17-4642) pursuant to CEQA;

WHEREAS, Developmental Services conducted a Public Workshop on October 5, 2017 for the proposed project; and

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

WHEREAS, the required public hearing held on February 5, 2018 was duly advertised and held in the manner prescribed by law; and

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

1. As conditioned, the proposed project will not be detrimental to, impactive upon, or incompatible with surrounding existing land uses or the public health, safety, or welfare in that the proposed project will comply with all conditions stated in the resolutions approving the GPA 17-003, SP 16-002, TSM 17-003, GV 17-004 and all mitigation measures as defined in the Mitigated Negative Declaration (MND 16-001).
2. The proposed project complies with the objectives of the proposed Discovery Village South Specific Plan once approved, in that the proposed project will not adversely affect the implementation of the General Plan as amended, the community, the surrounding neighborhood or environment whereby providing guidelines and policies in the Discovery Village South Specific Plan ensuring that a project would be deemed compatible with adjacent uses.
3. The proposed project, as conditioned, is consistent with the proposed Discovery Village South Specific Plan once approved, in that it establishes high quality design standards relating to lot sizes, setbacks, landscaping standards, architecture, maintenance requirements and a mixture of residential product type that will complement the surrounding area.

NOW THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Mitigated Negative Declaration (MND 16-001), is hereby recommended for approval.
- C. The Planning Commission approves the proposed project subject to the following conditions:
- D. Revised site plan, landscape plans and shall be modified to reflect the conditions of this approving resolution and mitigation measures and submitted to the Planning Division for review and approval.
- E. Any future modifications to the Site Development Plan shall follow the processing requirements as described in Chapter 20.515 of the Zoning Ordinance.
- F. The revised site plan, preliminary landscaping plan, , floor plan, and any other plan required by the City, shall be submitted as a digital disk including copies of all related resolutions as a title page. This title page shall include the statement "I(we), _____, the owner(s) or the owner's representative, have read, understand and agree to the conditions of City Council Resolution for SDP 17-006." Immediately following this statement shall appear a signature block for the owner or the owner's representative, which shall be signed. Signature blocks for the Project Planner and the Project Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.

G. General Provisions:

1. CC&R's shall be approved by the City prior to recordation of any maps associated with the tracts. The CC&R's shall contain a provision that requires that private garages shall be used for the parking of cars in the designated interior area of 400 square feet for two vehicles. Said area cannot be used for storage other than a vehicle.
2. The 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. The applicant/developer 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.

H. The following shall apply to the Site Development Plan submitted to the City, date stamped on January 19, 2018:

1. Due to roadway configuration (street-bulbs, street curvature) the following Lots are exempt from the minimum Lot width and Lot depth standards as indicated on Table 3 of the Specific Plan:
Sheets 2 & 3 of 29:
 - a. Lots 4, 5, 13-16, 29-31, 40, 67, 68, 77-79, 84-87, 100-103, 107, 108, 110, 111, 119, 120, 123, and 131 do not meet the minimum Lot width of 45 feet.
 - b. Lot 131 does not meet the minimum Lot depth of 90 feet.
2. All residential lots adjacent to private parks shall be separated by a decorative good neighbor wall.
3. Consistent with the Discovery Village South Specific Plan, the Ceremonial Entry Open Space – Area "D" to include: Community Center, Swimming Pool, Gym Room or Club House.

I. Prior to approval of working drawings, the Architectural Elevations and Floor Plans submitted to the City, the following shall be addressed:

1. Identify the architectural style for every proposed elevation.
2. Propose elevations submitted with working drawings that shall include:
 - a. Additional architectural detail consistent with the Discovery Village South Specific Plan.

- b. Reduction in the amount of blank walls.
 - c. A material legend shall be prepared, submitted and presented on a material board pending final review and approval by the Planning Manager. Anticipated examples would be multiple choices of color stone and brick veneers, variation in architectural wrought iron details, deletion of asphalt shingles replaced with flat, s-shape, etc. concrete roof tiles of various colors.
 - d. All garage doors shall include architectural windows.
 - e. Architectural detail and variety of balconies and porches shall be provided.
3. The following lots shall be required to provide additional architectural enhancements:
- a. Sheet 2 of 9
 - 1.) Rear elevations: Lots 1-30, 41, 44-50, 56, 57, 62, 63, 66, 78-93, and 108.
 - 2.) Right elevations: Lots 1, 5, 14-18, 29, 30, 41, 50, 57, 63, 85-87, and 139.
 - 3.) Left elevations: 4, 11-15, 18, 29, 49, 56, 62, 66, 80, 85, 86-108, 111, 132, and 134.
 - b. Sheet 3 of 9
 - 1.) Rear elevations: Lots 67, 88-107, 156, 184-186, 191-202, and 207-218.
 - 2.) Right elevations: 101, 102, 107, 147, 155, 161, 173, 181, 184, 188, 189, 196, 204, 207, 212, 215, 219, and 220.
 - 3.) Left elevations: 67, 102, 103, 140, 148, 164, 174, 179, 182, 187, 197, 202, 205, 210, 213, and 218.
- J. All conditions below must be addressed on the landscape plans prior to acceptance of working drawings for building permits:
- 1. Home Owner Association (HOA) maintained areas shall be submitted on separate set of landscape plans addressing all HOA landscape design and maintenance areas.
 - 2. Private Home Owner maintained areas shall be submitted on a separate set of landscape plans addressing all private landscape design and maintenance area.
 - 3. The final landscape design shall comply with the Discovery Village South design standards as presented in SP16-002 and to the satisfaction of the Planning Manager.
 - 4. A note shall be added to the landscape plan indicating that additional landscaping may be required if deemed necessary during field inspection.
 - 5. Landscape plan shall clearly indicate that the applicant/developer shall install landscaping in all front yards for Planning Areas 1, 2, & 3.

6. 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. All submitted estimates shall be stamped and signed by the Landscape professional. The landscape plans shall comply with the City's Water Efficient Landscape Ordinance.

K. Prior to Grading Permit Issuance, the following conditions shall be complied with:

1. The project boundaries have been reviewed and deemed by the City's Floodplain administrator as falling within the FEMA special flood hazard area. No encroachment of the development shall be allowed within this area unless approved by the City's Floodplain Administrator. The applicant/developer shall design the site to be compliant with the provisions outlined in SMMC 20.255. For design not specified by the City's Municipal code, applicant/developer shall seek guidance from the Department of Homeland Security Federal Emergency Management Agency's (DHS-FEMA) technical memoranda on design. The applicant/developer shall bear the full responsibility of complying with floodplain management requirements as well as the processing of any floodplain/floodway re-mapping. The applicant/developer shall obtain approval of a Conditional Letter of Map Revision (CLOMR) from FEMA prior to Final Map approval or issuance of a grading permit.
2. The applicant/developer 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.
3. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
4. 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).

5. 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.
6. 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 management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
7. 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.
8. Blasting operations, if applicable shall be done in conformance with Chapter 17.60 of the San Marcos Municipal Code.

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

1. Plans and construction documents submitted for a building permit shall be designed and seal/signed by a California licensed design professional as required by the latest Business and Professions Code.
2. The residential garage design shall demonstrate that the interior dimension are 20' x 20' for double-car stall and if proposed, 12' x 20' for a single-car space. Interior garage area shall be free and clear of any obstructions and shall not be utilized for storage space. This restriction will be included in the CC&R's and enforced by the HOA.
3. The applicant/developer shall obtain "will serve" letters from all affected public service and utilities agencies prior to issuance of a building permit.
4. The applicant/developer shall submit a full set of building elevations for final review and approval by the Planning Manager.
5. The design of common areas shall comply with Federal Law, ADA 90, and State Law, Title 24, California Code of Regulations, for accessibility standards for new construction.
6. The design of buildings and structures shall comply with the latest adopted edition of the California Building Code and other applicable codes.

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 includes such items as reinforced door jambs, one piece door stops, locking hardware for garage doors and laminated safety glass as required:
 - i. 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.
 - ii. Door stops on wooden jambs shall be one piece construction or substantially fastened to the jamb.
 - iii. 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.
 - iv. Louvered windows are to be avoided, unless 12 feet above ground level and 6 feet horizontally from an accessible surface.
 - v. 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.
 - vi. Garage doors exceeding 14 feet in width shall have two locking devices.
 - vii. All exterior doors, including doors from the garage to the side yard, shall be 1 3/4 inch solid wood or solid core construction.
 - viii. All glass within 40 inches of any door lock shall be laminated safety glass or burglary resistant glass.
 - ix. Solid wood doors shall have a wide angle 180 degree peep hole.
 - x. 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. A phasing plan shall be submitted as Planning Area 1, 2, & 3 to the Development Services Department for review. The Phasing Plan shall identify the extent of street improvements, recreational improvements and the location of buildings and structures for each phase. Utility meters shall not be released until the improvements and the appropriate departments accept conditions of approval for each phase.
9. This development is subject to the payment of development fees as required by City Ordinance prior to the issuance of any building permit.
10. The applicant/developer shall submit a Permanent Master Maintenance Plan for final review and approval by Developmental Services. This document will be included as an attachment to the CC&R's.
11. All fire lanes shall be shown on Building Plans to the satisfaction of the Fire Marshal.
12. 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.

13. 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.
14. 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.
15. The base lift of asphalt on all roads serving the area under construction shall be completed. All proposed fire hydrants shall be operational prior to the delivery of combustible materials to the project site.
16. A Final Map shall be recorded prior to building permit issuance.
17. The applicant/developer shall file a Letter of Map Revision based on Fill (LOMR-F) or Letter of Map Revision (LOMR) and provide all supporting documentation provided to DHS-FEMA to the City's Floodplain Administrator.
18. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, shall be paid in full.
19. The proposed project shall contribute its fair share contribution towards the construction of Grand Avenue, between the existing southern terminus and Discovery Street in accordance with the approved traffic study. This fair share contribution is in addition to payments received as part of the City of San Marcos Public Facility Fee (PFF) Program.
20. The proposed residences adjacent to Discovery Street and Craven Road shall require mechanical ventilation systems or air conditioning systems in order to ensure that windows and doors at the second-floor elevations can remain closed while maintaining a comfortable environment. Additionally, sound-rated (i.e., minimum Sound Transmission Class (STC) rated) windows may be installed (if deemed necessary). An interior noise analysis shall be required and approved by the City of San Marcos for the proposed habitable rooms on the second floor of lots adjacent to Discovery Street and Craven Road prior to issuance of building permits. Installation of these systems (i.e., HVAC and sound-rated windows) shall be required if the interior noise analysis shows that impacts are above the state and City's 45 (dBA CNEL/L_{dn}) interior noise standard. The interior noise analysis shall substantiate that with the implementation of required mitigation, the resulting interior noise levels will be less than the noise standard, and thus, will result in a less-than-significant impact.

21. New buildings 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.
22. 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.
23. 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.
24. Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Exception: Single-Family residential driveways; serving no more than one single-family dwelling, shall have minimum width of 16 feet curb line to curb line. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds. CFC Section 503.2.1, SMMC 17.64.120.
25. All dead end fire apparatus access roadways in excess of 150 feet in length shall be provided with an approved area for turning around of all San Marcos fire apparatus. A hammerhead turn around or Cul-De-Sac will be required by fire dept.
26. Signs reading “NO PARKING FIRE LANE” are required. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by CA. Vehicle Code, section 22500.1, 22658(a) and San Marcos Fire Department Standards.
27. Roads at 24 feet width – No Parking allowed. Road at 32 feet width – Parking on one side of road. Roads at 40 feet width – Parking on both sides.
28. Install bronze residential fire hydrant(s). Minimum GPM shall be per CFC.
29. Installation shall be as per local Water District specifications, whichever is applicable. Hydrant Type shall be Jones or Clow.
30. Hydrants shall be spaced no more than 600 feet apart for detached single family dwelling developments and no more than 300 feet apart for multi-family (apartment / condominium) developments.
31. An Automatic Fire Sprinkler System complying with NFPA 13D and 2013 CRC shall be installed.

32. New and existing buildings shall have approved address numbers placed in position that is contrasting in color and plainly visible from street or road fronting the property.
33. Residential Building numbers shall be a minimum of 4 inches high. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.
34. Gates or other devices that may obstruct fire access roadways shall be provided with Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure.
35. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
36. 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.
37. 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.
38. 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.
39. 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.
40. 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.
41. Prior to issuance of the 107th building permit, Bent Avenue shall be improved and in operation per City of San Marcos CIP Project No. 88623 or the applicant/developer shall construct the following:
 - a. Bent Avenue / Discovery Street – Complete the at grade improvement of the intersection including a traffic signal
 - b. Discovery Street / Craven Road – Relocate the existing intersection eastward, to create a new three legged, signalized intersection matching the proposed

Discovery Street extension

- c. Restripe Bent Ave to provide 2 – 12' travel lanes (one each direction) with striping to provide a northbound left turn lane, thru lane, and right turn lane at the intersection of Bent Avenue and West San Marcos Boulevard, consistent with the current plans for the City's CIP project 88623, to the satisfaction of the City Engineer.

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

1. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.
2. Prior to any construction activity on site, the applicant/developer will be required to acquire proper clearance and approval from all utility companies in which relocation of utilities is proposed or required.

N. During construction of any phase of the project, 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 citations. Citations required a mandatory court appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.
2. The applicant/developer may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The applicant/developer may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval.
3. At least one copy of all approved plans, approval letters, and conditions of approval shall be available for review at the job site at all times.
4. Large equipment and construction traffic shall not be allowed to park on adjacent streets. All construction equipment must remain on-site for the duration of

construction. Unless explicitly approved by the Director of Public Works, no construction workers will be allowed to park on surrounding adjacent streets.

5. Fire Marshal shall approve emergency access for construction and post-construction phases.
6. The applicant/developer shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required. No street shall be closed without advanced notice to the surrounding businesses and residents to the satisfaction of the City Engineer.
7. Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.
8. 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.
9. Prior to delivery of combustible building construction materials to the project site; the following conditions shall be completed to satisfaction of the Fire Dept. (1) Fire Hydrant(s) shall be installed, approved and usable. (2) Fire Lane or Access Roads shall be in place and provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75,000 lbs).

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

1. The following items shall be addressed and complied with as required by the Fire Department:
 - i. Provide Fire Hydrants 300 feet apart and within 150 feet from farthest part of any buildings. (type Jones 3775 or the equivalent Clow hydrant).
 - ii. Buildings to be fire sprinklered as determined by the Fire Department.
 - iii. The building address shall be clearly labeled and readable from the street during the day as well as the night.
 - iv. The applicant/developer shall submit certification of completion of landscaping per approved plans including hardscape and streetscape areas.
2. Buildings or structures shall not be used or occupied until the City or appropriate agencies have accepted the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the project improvements have been accepted and all the project conditions have been satisfied.

3. All open space areas, park areas, including landscaping and areas for the Pedestrian & Bicycle trails and the Multi-use trails shall be improved in accordance with the Discovery Village South Specific Plan per SP 16-002.
 4. An automatic fire extinguishing system shall be installed in accordance with the latest adopted Uniform Building Code and the National Fire Protection Association standards as approved by the Fire Marshal.
 5. Discovery Street shall be completed to the satisfaction of the City Engineer.
 6. All applicable easements and agreements shall be recorded prior to occupancy.
 7. 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.
 8. 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.
 9. 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 geo-referenced building plan in CAD (.dwg) format using the following coordinate system: NAD_1983_StatePlane_California_VI_FIPS_0406_Feet. Produce a fire preplan in (ESRI) GIS format using the pre-configured GIS Starter Package provided by City of San Marcos. A completed fire preplan shall include the GIS data and output PDF for use by San Marcos Fire Department. Data deliverables (CAD and GIS) 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.
- P. The 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.

- Q. 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 Site Development Plan; (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. 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 City. This indemnification shall not terminate upon expiration of the Site Development Plan, but shall survive in perpetuity.
- R. Site Development Plan Review approval shall lapse and shall 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.
- S. 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.
- T. All conditions as stated in the final Resolutions approving the General Plan Amendment ((GPA 17-003) PC Resolution 17-4642) and Mitigated Negative Declaration (MND 16-001) mitigation measures and Mitigation Monitoring Program, Specific Plan ((SP 16-002) PC Resolution PC 17-4643), Tentative Subdivision Map ((TSM 16-003) Resolution PC 17-4644), Grading Variance (GV 17-004 (PC Resolution 17-4645)) are hereby incorporated by reference and shall be complied with.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 5th day of February 2018, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Sandra Gallegos, Senior Office Specialist
SAN MARCOS CITY PLANNING COMMISSION