

# STAFF REPORT

## PLANNING COMMISSION MEETING

**MEETING DATE:** April 1, 2019

**SUBJECT:** Substantial Conformance Review for the California State University San Marcos Extended Learning Building Parking Structure Screening

**CASE NUMBER:** Substantial Conformance (SC) 19-0003

### **Recommendation**

Approve a Substantial Conformance Review to modify the screening design of the western elevation of the California State University (CSUSM) Extended Learning Building (ELB) parking structure approved under Conditional Use Permit (CUP) 17-0005 and certify the project continues to be within the scope of the Environmental Impact Report (EIR) for the University District Specific Plan and 2017 Addendum to the EIR (State Clearinghouse No. 2008101083) for the University District Specific Plan pursuant to the California Environmental Quality Act (CEQA).

### **Background**

On October 16, 2017, the San Marcos Planning Commission approved a Conditional Use Permit (CUP 17-0005) (Resolution PC 17-4662) for construction of a 132,733 square foot ELB and a 221,414 square foot parking structure adjacent to the ELB. Currently, both the ELB and parking structure are under construction and are located north of Barham Drive, south of future North City Drive, west of Campus Way, and east of future June Way. The subject parking structure façade is located adjacent to future June Way facing the west.

The request before the Planning Commission is to modify the proposed screening of the western elevation of the ELB parking structure. The Substantial Conformance Review before the Planning Commission is typically reviewed and approved administratively by the Planning Division Manager. However, due to the high-profile nature and visibility of the ELB project, it was determined that the Substantial Conformance Review for the parking structure screening be reviewed by the Planning Commission for the Commission's consideration. A Substantial Conformance Review is used by the City to determine if the proposed project is consistent and in conformance with the previously approved entitlement, conditions of approval, project plans, and the adopted University District Specific Plan (UDSP). The attached Substantial Conformance Resolution contains findings identifying the proposed modifications consistency and conformance with the approved CUP 17-0005 (Resolution PC 17-4662), conditions of approval, and project plans.

The building elevations approved under CUP 17-0005 for the ELB parking structure proposed a permanent screen design on the western elevation of the building, along future June Way consisting of perforated corrugated metal panels with colored bands (an image of the approved screen is shown in Attachment D of the Staff Report). The east elevation of the ELB parking structure is screened by the almost-completed ELB. The north and south elevations will be screened by planned future buildings to be constructed in front of the parking garage; temporary screens will be installed in the interim. The graphics applied to the temporary screens on the north and south elevations are still to be determined but will be visually compatible with the proposed permanent screening and are required to be reviewed and approved by the Planning Division Manager (not part of the Substantial Conformance action). When the ultimate construction of Block 3 is complete, it is anticipated the ELB Parking Garage will be visible only from future June Way (western elevation).

### **Discussion**

Per the UDSP Parking Structure Frontage standards (UDSP, Chapter VI), parking structure facades are to be “designed with screening elements or decorative facades that partially screen views of ramps, parking decks, and parked cars.”

Since the approval of CUP 17-0005, the applicant has proposed a different design that could be replicated on other future parking structures in the UDSP area. The proposed modified screening system is comprised of twenty-nine three-dimensional hexagonal aluminum frames that use a highly tensioned polyester micro-mesh. These screens achieve the primary goal of screening ramps, parking decks, and parked vehicles while creating an interesting and dynamic articulated vertical plane that will change throughout the day as the shadows from the adjacent panels track with the sun’s movement through the San Marcos sky. Two neutral-toned finishes are proposed for the screens. This architectural screening system would extend horizontally across approximately 104-feet and nearly 42-feet vertically. The screen framing cantilevers beyond the parking structure between 1'-6" and 3'-0", which will provide visual interest along the street. Please see Attachment E - proposed parking structure screening system elevations.

The framework is constructed of extruded aluminum elements that are high-strength, will not rust, and have extremely high corrosion resistance. The polyester micro-mesh is fabricated to lock into the aluminum channel framework and has a 10-year warranty. It can be repaired/patched if cut or damaged or, if repair is not acceptable, the mesh may be easily replaced.

### **Environmental Review**

The project is within the scope of the Environmental Impact Report (EIR) for the University District Specific Plan and 2017 Addendum to the EIR (State Clearinghouse No. 2008101083) for the University District Specific Plan pursuant to the California Environmental Quality Act (CEQA).



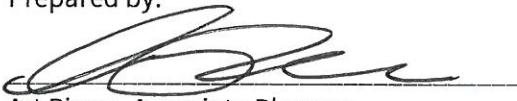
**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**Attachment(s)**

Adopting Resolution:  
Resolution PC 19-4770 (SC 19-0003)

- A. Vicinity Map
- B. Requested Entitlements
- C. Site Plan
- D. Approved Screening
- E. Proposed Screen Design, Section, & Details
- F. Conditional Use Permit 17-0005 (Resolution PC 17-4662)

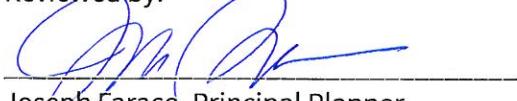
Prepared by:

  
Art Pinon, Associate Planner

Reviewed by:

  
Peter Kuey, Principal Civil Engineer

Reviewed by:

  
Joseph Farace, Principal Planner

Approved and Submitted by:

  
Karen Brindley, Planning Division Manager

RESOLUTION PC 19-4770

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A SUBSTANTIAL CONFORMANCE REVIEW TO MODIFY THE SCREENING DESIGN OF THE WESTERN ELEVATION OF THE EXTENDED LEARNING BUILDING (ELB) PARKING STRUCTURE APPROVED AS PART OF CONDITIONAL USE PERMIT (CUP) 17-0005 IN THE UNIVERSITY DISTRICT SPECIFIC PLAN AREA

Substantial Conformance (SC) 19-0003  
Applicant: Urban Villages San Marcos, LLC

WHEREAS, on February 20, 2019, an application was received from North City University One, LLC requesting a Substantial Conformance review to allow for the modification to the approved parking structure screening on the west end of the parking structure approved as part of Conditional Use Permit (CUP) 17-0005 located east of future June Way between Barham Drive and future North City Drive in the University District Specific Plan Area (SPA), more particularly described as:

Portion of Lots 11, 12, 13, and 14 of Map No. 16246, in the City of San Marcos, County of San Diego, State of California, as filed in the Office of the County Recorder of San Diego County on December 27, 2017

Assessor's Parcel Numbers: 220-202-60-00, 220-202-61-00, 220-202-62-00, and 220-202-63-00

WHEREAS, on October 16, 2017, the San Marcos Planning Commission approved Conditional Use Permit (CUP) 17-0005 which allowed for the development of a 132,733 square foot Extended Learning building (ELB) and a 221,414 square foot parking structure in the Block 3 area of the University District Specific Plan Area (SPA) located north of Barham Drive, south of future North City Drive, west of Campus Way, and east of future June Way; and

WHEREAS, both the subject ELB and parking structure approved under CUP 17-0005 are currently under construction; and

WHEREAS, per the University District Specific Plan (UDSP) Parking Structure Frontage standards (Chapter VI), parking structure facades are required to be designed with screening elements or decorative facades that partially screen views of ramps, parking decks, and parked cars; and

WHEREAS, the plans originally approved with CUP 17-0005 identified a parking structure screening mechanism adjacent to future June Way that consisted of perforated corrugated metal panels with colored bands; and

WHEREAS, the applicant is requesting to modify the design of the permanent screening mechanism on the west end of the parking structure with a design comprised of twenty-nine three-

dimensional hexagonal aluminum frames that use a highly tensioned polyester micro-mesh; and

WHEREAS, per Condition No. EE of Resolution PC 17-4662, minor architectural adjustments and refinements to the approved plans may be approved administratively by the Planning and Engineering Divisions provided the changes occur within the approved building envelopes; and

WHEREAS, the proposed change will occur within the approved building envelopes and includes no expansion to the land use or building size; and

WHEREAS, due to the high profile nature and visibility of the ELB project, the Planning and Engineering Divisions have elevated the decision of the Substantial Conformance Review to the City's Planning Commission; and

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

WHEREAS, the required public hearing held on April 1, 2019 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the project remains within the scope of the Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2017 Addendum to the FEIR (State Clearinghouse No. 2008101083) for the University District Specific Plan pursuant to the California Environmental Quality Act (CEQA); and

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

1. Approval of the Substantial Conformance Review will not result in detrimental impacts to adjacent properties or the character and function of the neighborhood in that the modified design of the parking structure screening complies with the development standards in the University District Specific Plan (UDSP); meets the objective of partially screening views of ramps, parking decks, and parked cars as required in the UDSP; and is well designed creating an interesting and dynamic articulated vertical plane that will change throughout the day as the shadows from the adjacent panels track with the suns movement.
2. The design, development, and conditions associated with the Substantial Conformance approval are consistent and in line with Conditional Use Permit (CUP 17-0005) in that the screening mechanism change will not increase the approved building envelope of the parking structure, maintains the same aesthetic value and quality of the originally approved design, and provides an interesting and dynamic design utilizing high quality materials that will complement and enhance the developing UDSP skyline.
3. The land use allowed in conjunction with the Substantial Conformance review was previously approved through Conditional Use Permit (CUP) 17-0005 and is compatible with the existing and future land uses of the UDSP area and the general area in which the

proposed use is to be located. Approval of this substantial conformance review will not change the land use of the site or affect any conditions of approval of the project.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The project continues to be within the scope of the Final Environmental Impact Report (FEIR) for the University District Specific Plan (UDSP) and 2017 Addendum to the FEIR for the University District Specific Plan (State Clearinghouse No. 2008101083) pursuant to the California Environmental Quality Act (CEQA);
- C. The Substantial Conformance review is approved per the submitted plans and exhibits date stamped March 20, 2019.
- D. The applicant/developer shall comply with all conditions as set forth in Resolution PC 17-4662 (CUP 17-0005).
- E. The parking structure screening shall be maintained free of wear, tear, and/or fraying. Damaged screening shall be repaired and/or replaced upon notification by the City or property owner.
- F. The applicant/developer must comply with all required mitigation measures as specified in Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2017 Addendum to the FEIR for the University District Specific Plan (State Clearinghouse No. 2008101083) pursuant to the California Environmental Quality Act (CEQA).
- G. The Developer must comply with all provisions and requirements set forth in the University District Specific Plan, 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.
- H. This Substantial Conformance 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 application is submitted to the City.
- I. To the extent permitted by law, the 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 Developer or its contractors, subcontractors, agents, employees or other persons acting on

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. 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 1<sup>st</sup> day of April 2019, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

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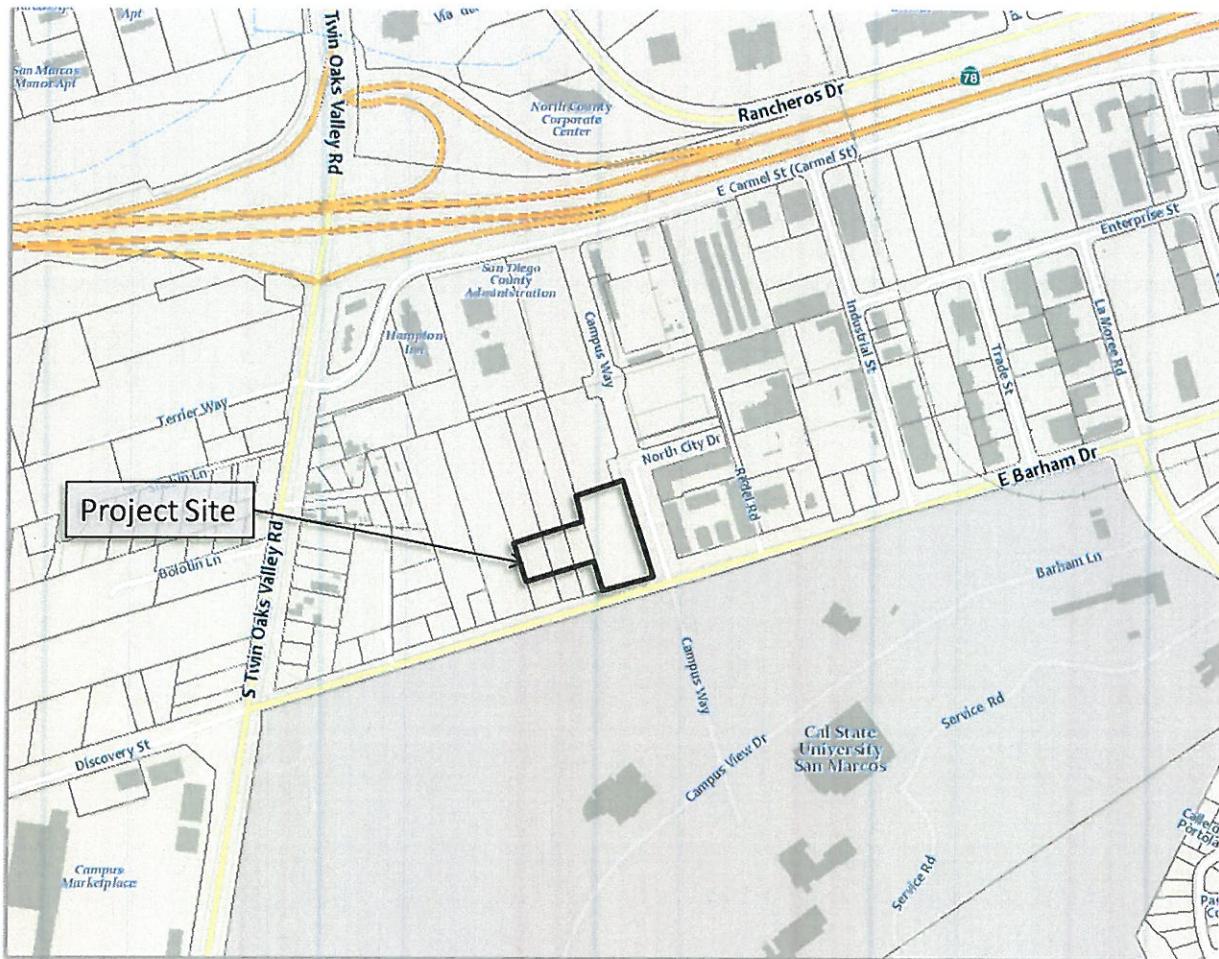
Kevin Norris, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Gina Henderson, Senior Office Specialist  
SAN MARCOS CITY PLANNING COMMISSION

## ATTACHMENT A- Vicinity Map





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

## ATTACHMENT B – Requested Entitlements

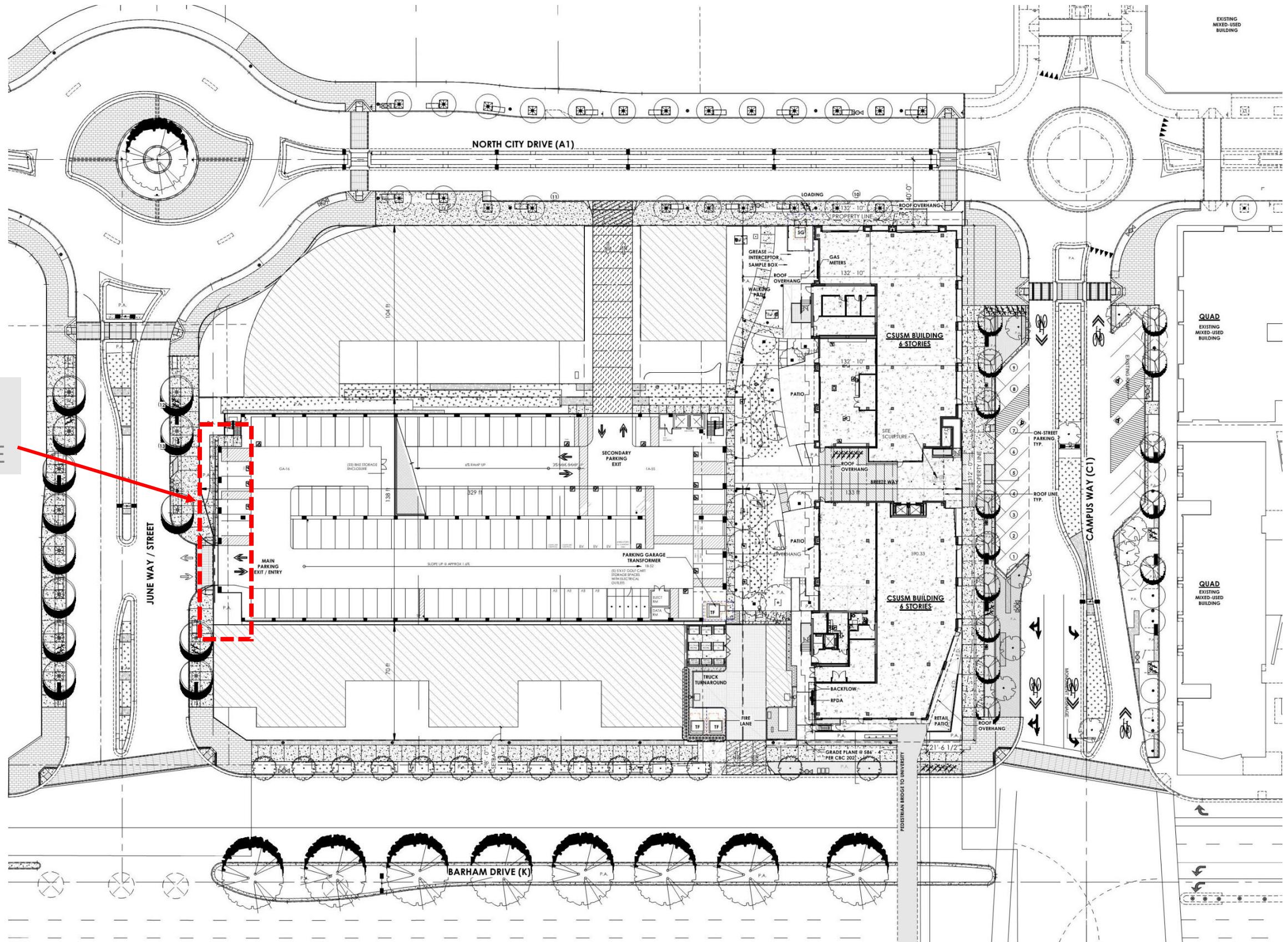
Substantial Conformance Review to modify the screening design for the western elevation of the California State University (CSUSM) Extended Learning Building (ELB) parking structure approved under Conditional Use Permit (CUP) 17-0005



**City of San Marcos**  
1 Civic Center Drive  
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## ATTACHMENT C – Site Plan

# Site Plan



**SCOPE OF WORK:**  
WEST ELEVATION OF  
THE PARKING GARAGE

**Turner**

SAFDIE RABINES  
A R C H I T E C T S

**north city**  
**Partners**

**CSUSM** | Extended Learning Building  
Parking Garage – West Elevation Screening

PC AGENDA ITEM #2 0005



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

## ATTACHMENT D – Approved Screening

# Approved Screen Design





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

## ATTACHMENT E – Proposed Screen Design, Section, & Details



**Turner**

SAFDIE RABINES  
A R C H I T E C T S

**north city**  
**Partners**

**CSUSM** | Extended Learning Building  
Parking Garage – West Elevation Screening

PC AGENDA ITEM #20005



**Turner**

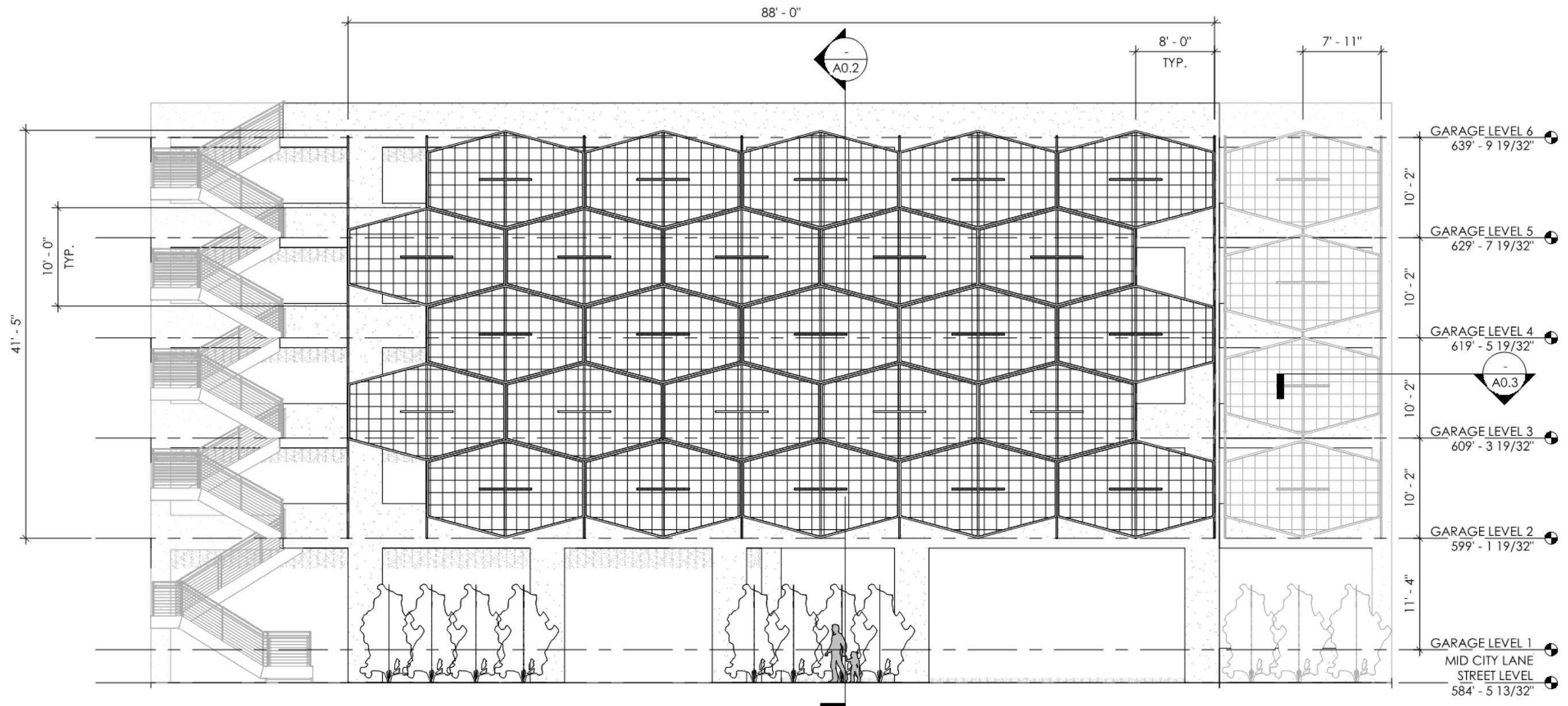
SAFDIE RABINES  
A R C H I T E C T S

**North city**  
**N****Partners**

**CSUSM** | Extended Learning Building  
Parking Garage – West Elevation Screening

PC AGENDA ITEM #20005

# West Elevation



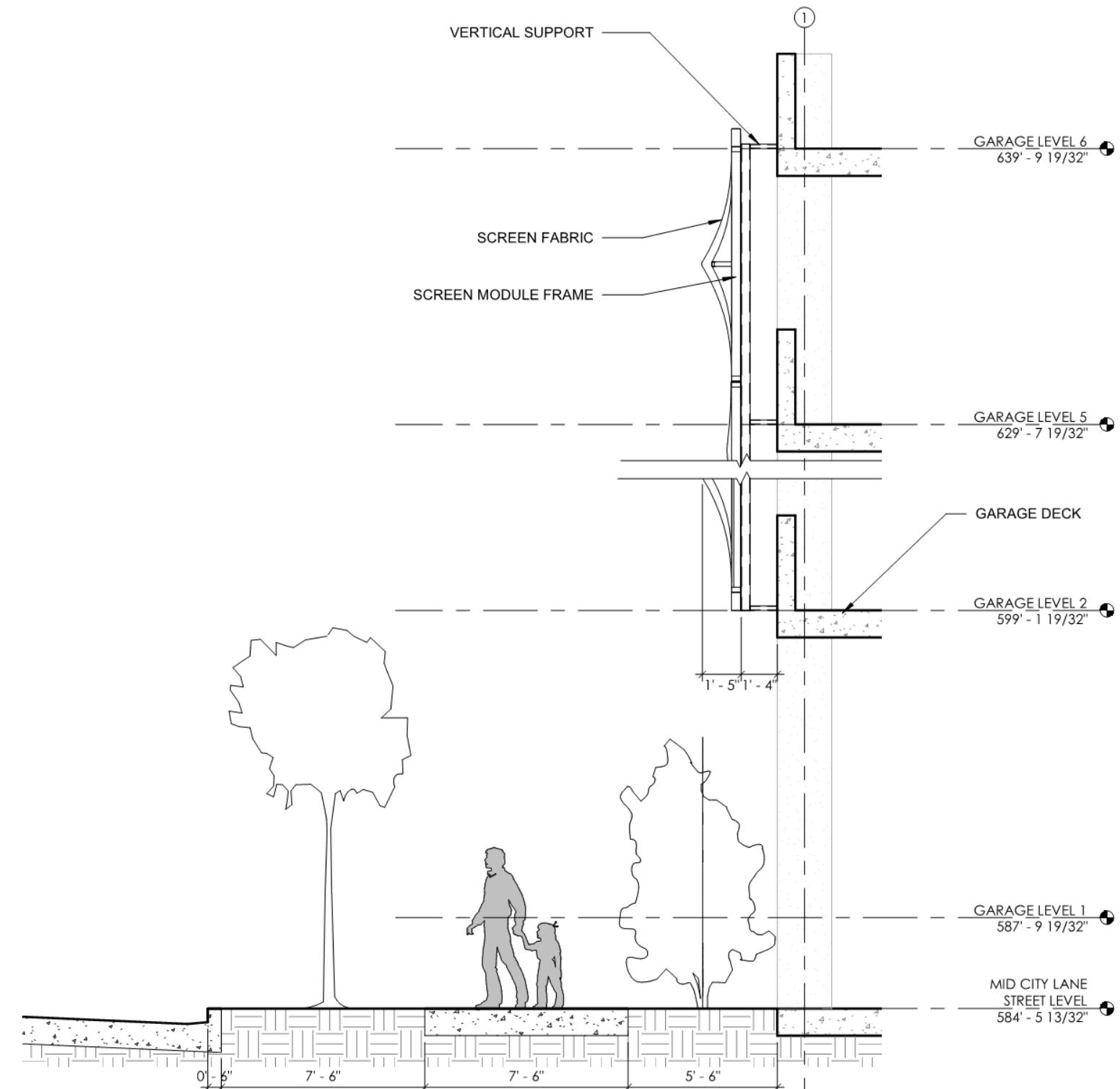
**Turner**

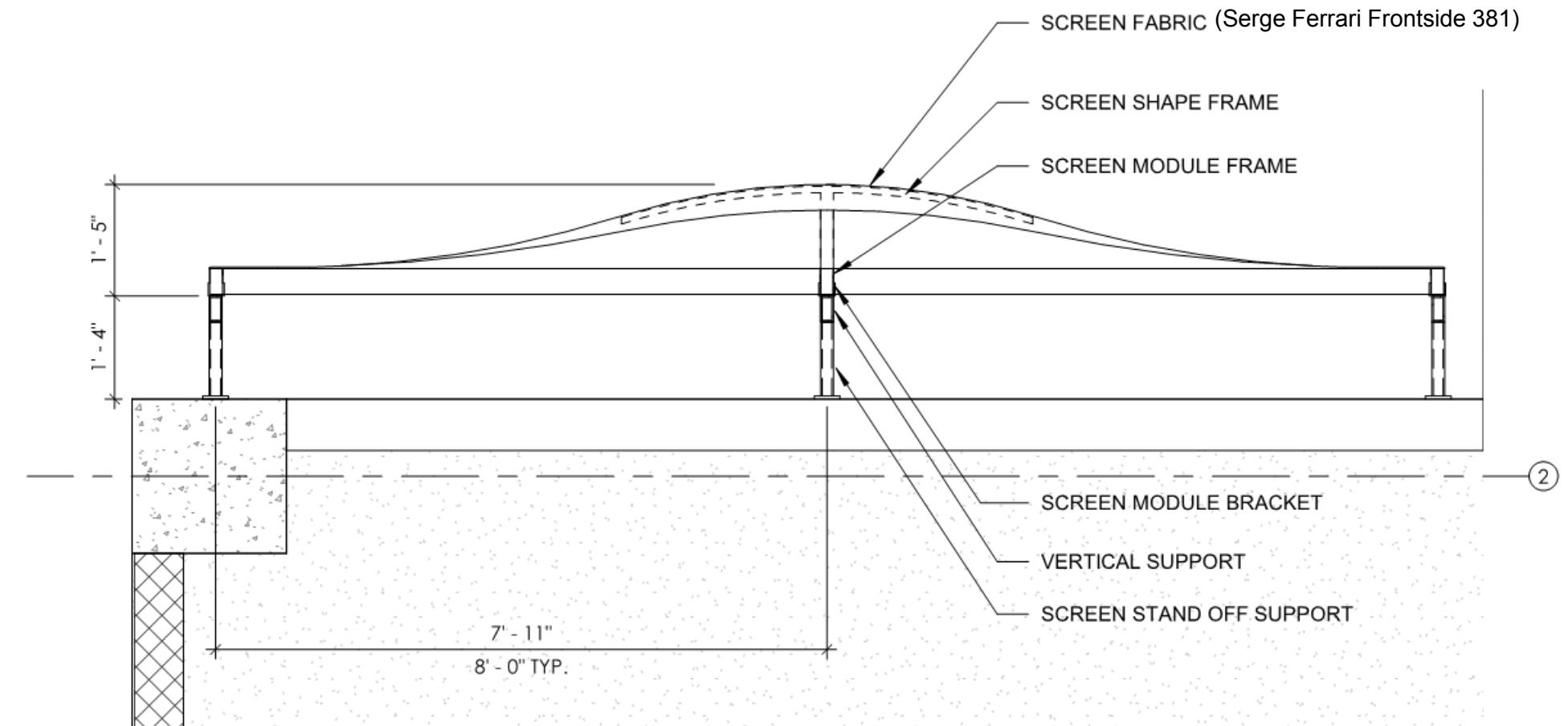
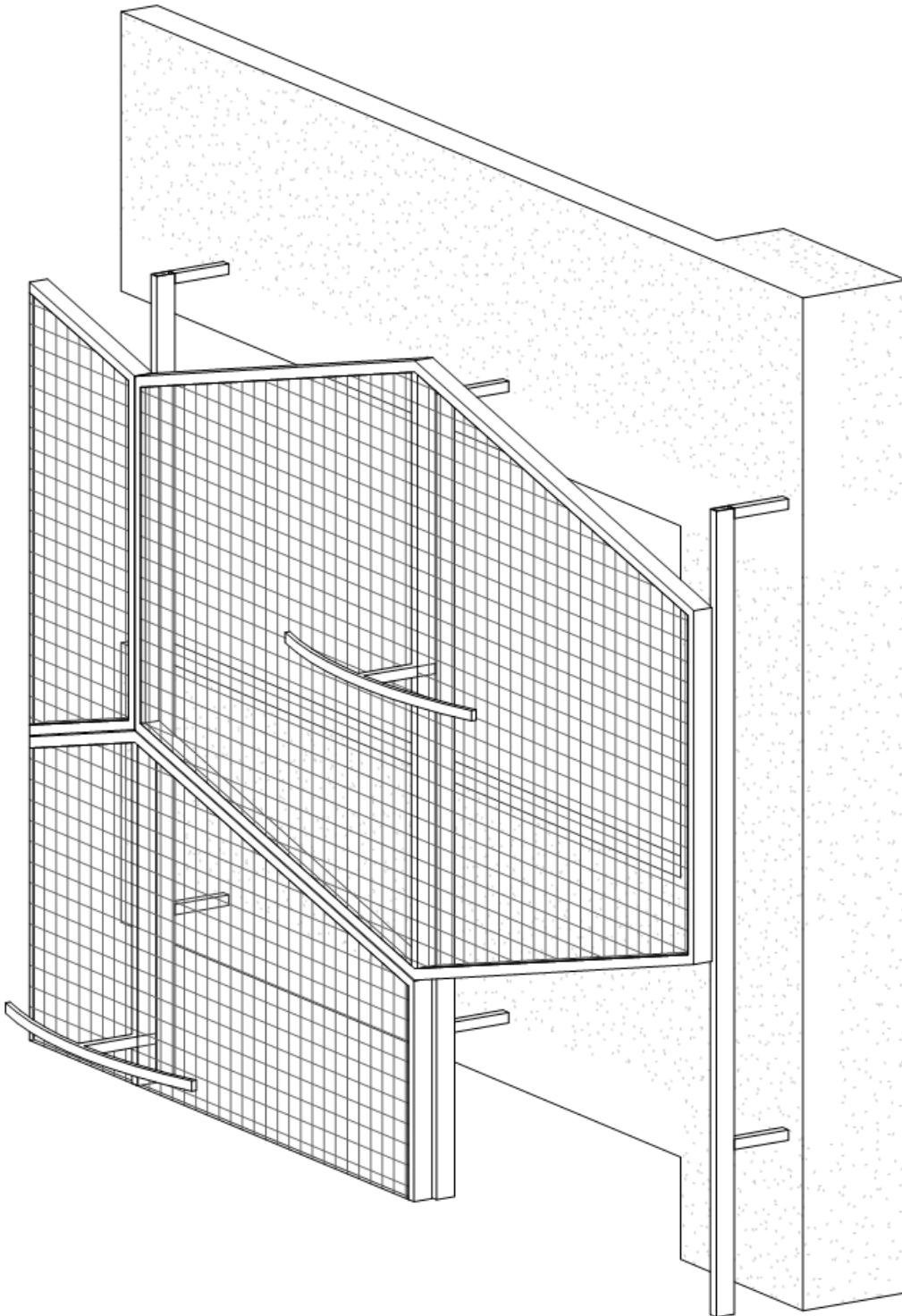
SAFDIE RABINES  
A R C H I T E C T S

**north city**  
**Partners**

**CSUSM** | Extended Learning Building  
Parking Garage – West Elevation Screening

PC AGENDA ITEM #2 0005





## Frontside

View 381

Technical properties		Standards	
Front face	Metallic or pearl finish		
Back face	Matt		
Yarn	1100 Dtex PES HT		
Weight	550 g/m <sup>2</sup> • 16.2 oz/yd <sup>2</sup>	EN ISO 2286-2	
Standard format length	50 fm • 54.6 yds		
Thickness	0.95 mm • 950 microns	EN ISO 5084	
Width	267 cm • 105.1 in	(-1 mm/+1 mm)	
Physical properties			
Tensile strength (warp/weft)	330/330 daN/5 cm	EN ISO 1421	
Tear strength (warp/weft)	80/90 daN/5 cm	DIN 53.363	
Adhesion	9 daN/5 cm	EN ISO 2411	
Porosity	28 %		
Extreme working temperatures	-30°C / +70°C	DIN 53.363	
Flame retardancy			
Rating	M1/NFP 92-507 — Method 1 et 2/NFPA 701 — Class A/ASTM E84 — C5PMT19 — 1530.3/AS/NZS Group 1/AS/NZS 3837 — G1/GOST 30244-94 — B1/DIN 4102-1 — BS 7837 — VKF 5.3/SN 198898		
Euroclass	B-s2,d0	EN 13501-1	
Comparative analysis depending on end-of-life scenarios			
Recycling	Incineration	Landfill	Functional unit = 1 sqm Frontside View 381 material
Resource depletion	0.015	0.083	kg Sb eq
Global warming	1.29	3.66	kg CO <sub>2</sub> eq
Energy Consumption	43.3	80.7	Megajoules eq
Water Consumption	87	234.5	Liters
Management systems			
Quality	ISO 9001		
Certifications, labels, warranty, recycling			
 <b>10-year warranty</b>		With S+ Serge Ferrari goes further than the standards. (Consult for further information)	
Tools and services			
— LCA available on request			
— Document and photo libraries: <a href="http://www.sergeferrari.com">www.sergeferrari.com</a>			

The technical data above are average values with a +/- 5% tolerance, variance of +/- 10% for weight given.  
The buyer of our products is fully responsible for their application or their transformation concerning any possible third party. The buyer of our products is responsible for their implementation and installation in compliance with standards, codes of practice and safety regulations in force in destination countries. To ensure warranty effectiveness, refer to warranty certificate concerned available on demand.  
The values quoted above represent results of tests performed in compliance with common design practices and are provided for information only to enable customers to make the best use of our products. Our products are subjects to evolutions due to technical progress, we remain entitled to modify the characteristics of our products at any time. The buyer of our products is responsible for checking the validity of the above data.

**Serge Ferrari**  
lightweight + durable

**Turner**  
SAFDIE RABINES  
ARCHITECTS

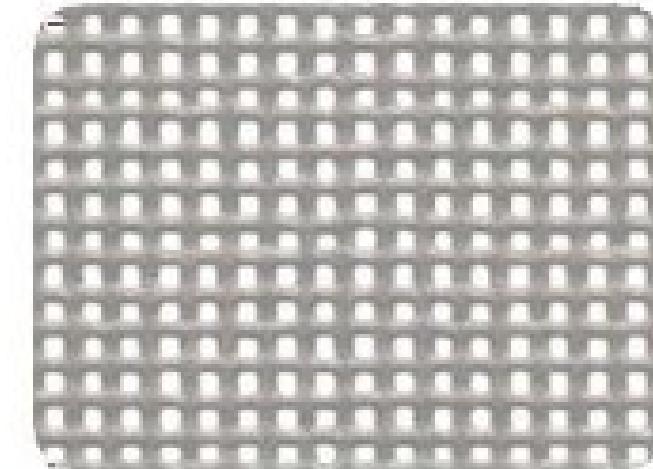
**north city**  
**N**  
**Partners**

Serge Ferrari SAS  
+33 (0)4 74 97 41 33  
[sergeferrari.com](http://sergeferrari.com)

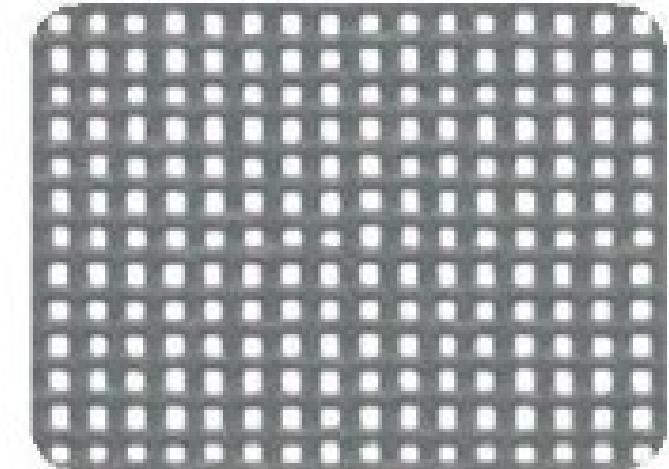


Frontside is a registered trademark of Serge Ferrari SAS. Functional unit = 1 sqm Frontside View 381 material

EN ISO 1421/NFP 92-507/NFPA 701/C5PMT19/1530.3/AS/NZS Group 1/AS/NZS 3837/G1/GOST 30244-94/B1/DIN 4102-1/BS 7837/VKF 5.3/SN 198898

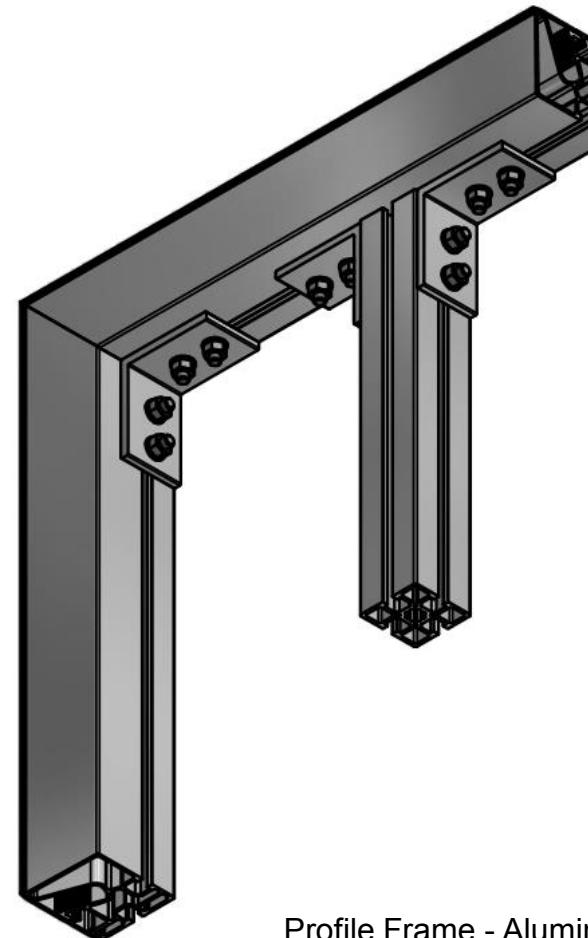


Silver-metallic 267 cm



Beaten metal 267 cm

381-3125



Profile Frame - Aluminum

**CSUSM** | Extended Learning Building  
Parking Garage – West Elevation Screening PC AGENDA ITEM #20005



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

ATTACHMENT F - Conditional Use Permit 17-0005 (Resolution PC 17-4662)

RESOLUTION PC 17-4662

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION APPROVING A CONDITIONAL USE PERMIT  
TO ALLOW THE CONSTRUCTION OF A 132,733 SQUARE  
FOOT EXTENDED LEARNING BUILDING & A 221,414  
SQUARE FOOT PARKING STRUCTURE IN THE  
UNIVERSITY DISTRICT SPECIFIC PLAN AREA

Conditional Use Permit (CUP) 17-0005  
Applicant: Urban Villages San Marcos, LLC

WHEREAS, on July 10, 2017 an application was received from Urban Villages San Marcos requesting a Conditional Use Permit to allow for the construction of a 132,733 square foot Extended Learning (EL) building consisting of 118,496 square feet of classroom, lab, and office space that, according to the submitted statement of operations will serve up to 1,000 students in any class session and will employ up to 100 staff and 50 faculty; 14,237 square feet of ground floor commercial space; and, a 221,414 square foot parking structure at the northwest corner of Campus Way and Barham Drive in the University District Specific Plan Area (SPA), more particularly described as:

Portion of Lots 11 through 13, inclusive, in Block 58 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895, of Official Records  
Assessor's Parcel Numbers: 220-202-03-00, 220-202-04-00, 220-202-05-00, 220-202-06, and 221-110-20-00

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

WHEREAS, the project does not require Site Development Plan (SDP) review in that per San Marcos Municipal Code (SMMC) 20.515.020C, proposed projects required to go before the Planning Commission under Conditional Use Permit procedures shall not be required to comply with the Site Development Plan review procedures; and

WHEREAS, the required public hearing held on October 16, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the project is within the scope of the Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2017 Addendum to the FEIR (State Clearinghouse No. 2008101083) for the University District Specific Plan pursuant to the California Environmental Quality Act (CEQA); and

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

1. The granting of the Conditional Use Permit, as conditioned, will not result in detrimental impacts to adjacent properties or the character and function of the neighborhood in that the project complies with all required development standards in the University District Specific Plan (UDSP), a Parking and Traffic Demand Management Plan has been formulated and will be implemented to ensure parking facilities are provided, and the building has been designed in compliance with all relevant design standards in the California Building Code and California Fire Code. Furthermore, the project will comply with all required mitigation measures as specified in Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2017 Addendum to the FEIR for the University District Specific Plan (State Clearinghouse No. 2008101083) pursuant to the California Environmental Quality Act (CEQA).
2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan and the purpose and intent of the UDSP in that the project will establish community facilities that promote San Marcos as the educational center of North San Diego County while creating a greater synergy between the business community and its academic institutions (Goal LU-4); will provide the community adult education programs to promote opportunities for continuing education, job training, and career advancement (Policy LU-4.2); enrich the quality of life for residents of the City of San Marcos (Goal LU-9); and helps to promote a balanced distribution and compatible mix of land uses to meet the future and present needs of residents (Goal LU-1).
3. The land use allowed in conjunction with the Conditional Use Permit is compatible with the existing and future land uses of the UDSP Area and the general area in which the proposed use is to be located.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The project is within the scope of the Final Environmental Impact Report (FEIR) for the University District Specific Plan (UDSP) and 2017 Addendum to the FEIR for the University District Specific Plan (State Clearinghouse No. 2008101083) pursuant to the California Environmental Quality Act (CEQA);
- C. The Conditional Use Permit is approved per the submitted plans date stamped September 18, 2017 (132,733 square foot Extended Learning (EL) building project consisting of 118,496 square feet of classroom, lab, and office space; 14,237 square feet of ground floor commercial space; and, a 221,414 square foot parking structure) unless required to be modified herein.
- D. Within thirty (30) days of the approval of the Conditional Use Permit (CUP 17-0005), the final approved site plan, landscape plans, floor plans, and elevations shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I (we), \_\_\_\_\_, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 17-

4662." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.

- E. The applicant/developer must comply with all required mitigation measures as specified in Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2017 Addendum to the FEIR for the University District Specific Plan (State Clearinghouse No. 2008101083) pursuant to the California Environmental Quality Act (CEQA).
- F. The Developer must comply with all provisions and requirements set forth in the University District Specific Plan, 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.
- G. The Developer must ensure that prospective purchasers sign a disclosure acknowledging that the property is located within the boundaries of one or more of the City's Community Facilities Districts (CFDs) which subject the property to supplemental tax assessments. Annexation into these CFDs is required. Notwithstanding the foregoing, for any portion of the property which is currently exempt from the obligation to pay taxes and/or special assessments, because the owner(s) of such property remain obligated to mitigate their impacts pursuant to the Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2017 Addendum to the FEIR (State Clearinghouse No. 2008101083) for the University District Specific Plan, in lieu of annexation, for so long as the use is a tax exempt use, such obligation may be met either by the payment of a fee for each CFD consistent with the pre-payment option provided in the formation documents for each respective CFD, or assurance of ongoing payment of the mitigation amount through other contractual mechanism deemed acceptable by the City Manager and City Attorney, which mechanism will be recorded against the property and performed by the owner(s) thereof. The Developer must record a document against the property which discloses that should any portion of the building currently owned by an entity exempt from the obligation to pay taxes and/or special assessments subsequently be transferred to an individual and/or entity not exempt from such tax and/or special assessment obligations, such property must be annexed into the CFD upon the transfer of the affected portion(s) of the property to such non-exempt individual and/or entity.
- H. 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.
- I. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to approval of a Final Map. The phasing plan may be subject to further conditions. Should the subdivider decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all

conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Division Manager. Other conditions may be imposed by the City Engineer and Planning Division Manager to allow out-of-phase construction.

- J. Maintenance of private open space areas shall be the responsibility of the Owners Association.
- K. Prior to approval for any signs, a comprehensive sign program for the EL building and parking structure must be submitted, reviewed and approved by the Planning Division Manager. The comprehensive sign program must include the parking structure and must comply with the sign standards in the University District Specific Plan.
- L. The 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 Developers responsibility to determine all agencies with rights of approval for the proposed development.
- M. Prior to issuance of a precise grading permit, the following conditions must be complied with:
  - 1. The applicant shall submit for a grading permit in accordance with San Marcos Municipal Code section 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
  - 2. Erosion 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.
  - 3. A hydrology and hydraulic report (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 build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner(s).
  - 4. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual

and meet the requirements of California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order Numbers R9-2015-0001 (Orange County enrollment) and R9-2015-0100 (Riverside enrollment).

5. The property owner shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction stormwater management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
6. 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.
7. The applicant shall submit a construction phasing plan and schedule which depicts the construction sequence and timing for the offsite improvements. The phasing plan shall make note of any proposed road closures and any offsite staging requirements. An updated schedule shall be provided to the Public Works Inspector and City Project Engineer on a weekly basis.
8. The applicant/developer shall submit final 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.
  - 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 plans. 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. 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. Plant material and irrigation design, as well as reporting requirements, shall comply with the University District Specific Plan and City of San Marcos Water Efficiency Landscape Ordinance.

- e. The applicant/developer applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.
- f. 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 Stormwater Management Plans.

9. Frontage improvements including the striping reconfiguration at Barham Drive and Twin Oaks Valley Road, Campus Way, Street E, Barham Drive and North City Drive shall be processed and added to existing permit IP15-00007. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contained herein. Review and inspection fees shall be paid for the added improvements on Campus Way, Barham Drive, and Street E.

10. The project applicant shall apply for public improvement permits compliant with SMMC 14.16 for offsite improvements. The offsite improvements include adding a third left turn lane from westbound San Marcos Boulevard to southbound Twin Oaks Valley Road and striping and median improvements at the intersection of San Marcos Boulevard and Via Vera Cruz in accordance with the approved traffic study. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.

11. The applicant shall dedicate, to the City of San Marcos, easements and/or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and/or as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.

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

13. Driveway entrances to the parking garage and to the service drive shall be identified on the public improvement plans and shall be designed to accommodate heavy loads and heavy use (H-20 loads) to the satisfaction of the City Engineer.

14. The improvement plans shall reflect the final planting, irrigation, and street

furniture improvements on Campus Way, including the east side parkway. Reconfiguration, replacement, and/or removal of some of the existing improvements to the satisfaction of the City Engineer will be necessary.

15. All landscaping, including trees, within the Barham Drive median from Campus Way to Twin Oaks Valley Road shall be shown on the improvements plans to be removed and replaced consistent with the master landscaping plan and the site plans.
16. Improvement plans shall show a new traffic controller cabinet to be installed at the southwest corner of Barham Drive and Campus Way for the intersection. Data Aggregators shall be installed at the signalized intersections at Barham Drive and Campus Way and at "E Street" and Campus Way. The capabilities of the aggregator shall support FHWA requirements to provide remote access to cabinet status and parsed intersection data, access remote intersections where there is no connectivity to central, generate alarms via SMS to on-call staff, and to provide detector counts and signal diagnostics for efficient signal operation to the satisfaction of the City Engineer.
17. The applicant shall be responsible for the design of a fiber optic traffic signal interconnect system linking all traffic signals on Barham Drive from Twin Oaks Valley Road to Campus Way. Pull boxes shall be designed and spaced per the City standards to satisfaction of the City Engineer.
18. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All installations shall be compliant with the most current City's Street Lighting Standards. A fee shall be paid to cover the energizing and operation of the street lights for a period of 18 months.
19. The water meter located in the Barham Drive median shall be shown on the Improvements Plans to be relocated within the existing parkway on Barham Drive. All irrigation and controller crossings shall be designed as directed by the City Engineer or designee.
20. The 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, to avoid reconstruction or modification of same.
21. A line of sight study shall be submitted to address any obstruction at the signal at Barham Drive and Campus Way due to the future pedestrian bridge. The line of sight study shall also include the turbo roundabout design and ELC building service entrance.

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

1. 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.
2. Building plans and instruments of service submitted with a building permit application must be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
3. Sewer and water utilities must be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.
4. The applicant/developer must 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.
5. The applicant/developer must contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The developer must inform the new owners that they own the mailboxes and are responsible for replacement.
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 adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards.
8. Plans must demonstrate that there are at least thirteen (13) short term bicycle parking spaces within 200 feet of entrances to the building in accordance with the California Green Building Code.
9. Plans must demonstrate that all rooftop mechanical units, vents, ducts, etc. will be screened from State Route 78, adjacent sidewalks, street grade, and surrounding properties. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be architecturally 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.
10. The applicant must submit for review and approval final designs of the printed mesh vinyl graphics to be used as temporary screening on the northern and southern facades of the parking structure. Said graphics must contain abstract color patterns and shall not contain advertising or commercial messages. Prior to issuance of a

building permit, the design of the graphics must be reviewed and approved by the Planning Division Manager.

11. The proposed development must 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.
12. All utilities must be accurately shown on the site plan.
13. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges must be paid to the District prior to permit issuance.
14. The proposed new development is subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
15. The proposed new development is subject to the payment of San Marcos Unified School District (SMUSD) School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
16. All exterior lighting shall comply with the lighting standards as outlined in the University District Specific Plan and City standards for energy efficient lighting as approved by the City.
17. 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.
18. The approved and signed precise grading plans shall be attached to the building plans.
19. 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.
20. 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.

21. Construction contracts shall specify that all construction equipment, fixed or mobile, must be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
22. Architectural lighting plan must be included with the building plans that 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 outdoor dining area and parking lot shall be shielded to direct light downward.
23. The applicant/developer must acquire and install an “Art in Public Places” art or pay an in-lieu fee as required per Section VII.3.1 of the University Districts Specific Plan.
24. All proposed pad mounted and pedestal equipment must be placed underground consistent with General Plan Policy LU 17.3. Where the underground of such equipment is not possible, the applicant/developer must provide a building vault room, architecturally integrated screen wall around equipment, or other option approved by the City. Where undergrounding of equipment is not feasible, facilities must be screened with a solid architectural barrier with gates and a dense landscape material. The applicant is responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District’s meters, detector checks, fire hydrants, or other associated equipment along streets shall be placed outside the right of way to avoid reconstruction or modification of the facility. All proposed utilities along Campus Way, Barham Drive, or North City Drive must be undergrounded or screened to the satisfaction of the City. A design solution must be reviewed and approved by the City prior to issuance of a building permit.
25. Samples of the materials referenced on the hardscape plan must be provided to the City for review and approval.
26. Plans must demonstrate compliance with the following San Marcos Fire Department requirements:
  - a. The entire Mid-Rise Ordinance applies to the project (SMMC Section 17.64.210. If building exceeds more than 75 feet above the lowest floor level the building will be considered a high rise building.
  - b. An Automatic Fire Sprinkler System shall be installed in compliance with 2016 CFC and the most current edition of NFPA 13. Class I wet standpipes (tied into the fire sprinkler system) shall be installed in accordance with NFPA 14 and shall be included in the fire sprinkler plan review. Maximum spacing from one class I standpipe to another shall not exceed 150 feet.
  - c. Fire Alarm system shall be installed in compliance with 2016 CFC and the

most current edition NFPA 72. Emergency voice alarm signaling, pressurized enclosures and stairways, including exhaust smoke manually shall be included in the fire alarm system.

- d. Install kitchen hood and duct fixed fire extinguishing system as per 2016 CFC, NFPA 17 and 96. (If applicable).
- e. The applicant must provide a Construction Staging/Site Phasing Plan.
- f. The building is required and must be designed to have a minimum of two sets of stairs with full size doors that lead to an exit onto the roof level. Larger buildings require three or more stairwells. Note: Class -I standpipe outlets (two or more outlets per roof) will be required on roof of each building.
- g. Location of the fire command room shall be installed on an exterior room of the building and shall be approved by the Fire Department.
- h. All Laboratories shall be installed and maintained compliant with Section 453 of the California Building Code (CBC).
- i. Crosswalks surrounding the project shall not be “raised” crosswalks acting as a speed bump. Crosswalks will need to be painted style.
- j. 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. Access roads shall be all weather surface and designed to support imposed loads of not less than 75,000 pounds. One way traffic shall be a minimum of 12 feet wide per lane. Where adequate turn radius to accommodate fire apparatus cannot be provided, the lane width shall be widened as necessary to accommodate access. A Fire Department turning template shall be submitted and approved by both Fire Dept and Engineering Departments; this shall include the roundabout areas.
- k. Knox Key Box shall be provided. A master key for entry to all gates, enclosures and equipment rooms or areas is required. Knox box shall be mounted in area approved by fire dept. at height of 60 to 66 inches above grade. Knox Box shall be type with side hinged door. Minimum of four knox boxes (each side of building) is required. Additional Elevator Knox box is required near the elevator at first floor.
- l. Where elevators are installed, they shall meet all requirements of CFC section 607 and CBC Chapter 30. All elevators shall be properly sized for a gurney in accordance with CBC Chapter 30.
- m. Emergency Radio Coverage shall be installed and tested in both the

educational and commercial building and parking structure in accordance with CFC Section 510.

- n. 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 to the City. Provide georeferenced building plan in CAD (.dwg) format using the following coordinate system: NAD\_1983\_StatePlan\_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.
27. Direct vehicular access rights to all parcels in Unit 2 of TSM 14-002 abutting Barham Drive, excepting the service drive, shall be relinquished to the City.
28. Street "E", Campus Way, Barham Drive, and North City Drive shall be dedicated by the subdivider to the City of San Marcos. The subdivider shall obtain interest in all real property that is being subdivided and/or dedicated for public purposes.
29. The applicant shall submit a "Primary" street name and two (2) alternate names for Street E shown on the Tentative Map. The names provided shall be subject to review and approval by the City's Street Naming Committee.
30. A new one inch water service shall be identified to be installed on the east side of Street E. This meter will serve a portion of the project public streets and will be used for future irrigation improvements within the right of way. Improvements such as the meter, backflow, etc., shall be properly screened or shall be located behind the sidewalk. An easement for improvements located outside of the City right-of-way shall be dedicated prior to permit issuance.
31. Walls and footings shall not encroach into the public right of way.
32. The (Applicant) shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the portion(s) of the real property of the project not exempt from the obligation to pay taxes and/or special assessments into the following Community Facilities Districts (CFD):

CFD 98-01 - Improvement Area No. 1 (Police Only)  
CFD 98-02 (SIA F-54) – Lighting, Landscaping, Open Space and Preserve Maintenance  
CFD 2001-01 – Fire and Paramedic  
CFD 2011-01 – Congestion Management

No permit will be issued without receipt of a petition for annexation and consent and waiver executed by the applicable property owners for each of the above-referenced CFDs for the establishment of the special taxes. Annexation into these CFDs is required. Notwithstanding the foregoing, for any portion of the property which is currently exempt from the obligation to pay taxes and/or special assessments, the owner(s) of such property remain obligated to mitigate their impacts pursuant to the Final Environmental Impact Report (FEIR) for the University District Specific Plan and 2017 Addendum to the FEIR (State Clearinghouse No. 2008101083) for the University District Specific Plan, in lieu of annexation, so long as the use is a tax-exempt use, such obligation may be met either by the payment of a fee for each CFD consistent with the pre-payment option provided in the formation documents for each respective CFD, or assurance of ongoing payment of the mitigation amount through other contractual mechanism deemed acceptable by the City Manager and City Attorney, which mechanism will be recorded against the property and performed by the owner(s) thereof.

The Developer must record a document against the property which discloses that should any portion of the building currently owned by an entity exempt from the obligation to pay taxes and/or special assessments subsequently be transferred to an individual and/or entity not exempt from such tax and/or special assessment obligations, such property must be annexed into the CFD upon the transfer of the affected portion(s) of the property to such non-exempt individual and/or entity.

The 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.

33. The applicant shall obtain all interests in real property for all offsite public improvements and shall dedicate the same to the City. The applicant shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to permit issuance. Total improvement costs to the applicant may not exceed the fair share percentage identified in the approved traffic study. The City will work with the applicant to offset any improvement costs beyond the fair share obligation through the corresponding deduction of other cumulative contributions from the project, or other means agreed to by the City Manager and the applicant.
34. A Final Map for Unit 2 of TSM 14-002 shall be recorded prior the building permit issuance.

35. The project is subject to payment of the Public Facilities Fees established by the latest adopted Ordinance. The amount of the fee shall be determined based upon the fees in effect at the time of issuance for each building permit for construction within this project. The applicant/developer may request deferral of certain fees in accordance with San Marcos Municipal Code Chapter 17.44.
36. Fair share payments for cumulative impacts identified in the approved traffic study dated August 2, 2017 shall be paid in full, unless otherwise determined by the City Manager based on contributions to offsite public improvements beyond the fair share obligation.
37. Developer shall submit an encroachment agreement for the bay window(s) on the north side of the building that encroach into the public right of way.
38. An encroachment and maintenance agreement for the pedestrian bridge shall be submitted, approved, and recorded prior to issuance of any building permit.
39. An in-lieu fee for parking meters in the public right-of-way shall be paid. A fee for a meter at each parking stall shall be assessed.
40. The Parking and Transportation Demand Management (PTDM) Plan shall be submitted for review and approval by the City Engineer and Planning Division Manager. Said PTDM must be consistent with the University District Specific plan and shall address coordination with local transit districts regarding existing and future bus routes and stops, shuttle service to rail stations and incentives for bus & rail passes. The PTDM plan shall also include investigations into staggered work hours, carpools, education and financial incentives. The PTDM plan shall be implemented at occupancy. Applicant will be responsible for the submission of an annual report consistent with the PTDM goals and general strategies for review by the City Engineer and Planning Division Manager.
41. The pedestrian bridge construction drawings must be submitted at least 60 days prior to issuance of a building permit for the EL building and parking structure. The pedestrian bridge must be designed to the satisfaction of the Development Services Director and Public Works Director/City Engineer.
42. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe the Owners Association (OA) maintenance responsibilities, parking restrictions, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities.
43. A Grant of Easements and Agreement Between Landowners, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.

O. During the grading and construction phase, the following conditions must be complied with:

1. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
2. Paving, excavation or other work authorized under a Grading Permit, Improvement Permit or Right-of-Way permit (including preparation or "warm-up work") 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.
3. Dust and dust producing materials must be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
4. During construction, stationary construction equipment must be placed such that emitted noise is directed away from sensitive noise receivers.
5. The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
6. The project must comply with Regional Air Quality Standards.
7. 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.
8. Construction haul routes must be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
9. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
10. 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).

11. The use of the adjacent public streets for construction staging or equipment/supply drop-offs is prohibited without the approval of the Public Works Inspector.
12. At the 30 day and 60 day prior to occupancy timeframe, the applicant shall provide the Public Works Inspector, Building Official, and Project Engineer a punch list of items in need of completion. The listed punch list items may be general but, should provide the City the level of assurance that the conditions of approval will be complied with.
13. The fire preplan shall be submitted to the City of San Marcos Fire Department for review. The fire preplan shall be approved by the Fire Department prior to the first inspection.

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

1. The proposed development must satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor must obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department.
2. The project must be completed in accordance with the approved grading plan, site plan, floor plan, landscape plan, and elevations drawings.
3. An approved fire safety evacuation plan shall be submitted for approval by the Fire Department prior to occupancy.
4. 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. CFC503.3
5. Occupancy of the EL building is reliant on the parking supplied in the parking structure. Therefore, the parking structure must be completed and a Certificate of Occupancy issued by the City of San Marcos prior to occupancy of the ELC building.
6. All occupants of the building must obtain a City of San Marcos Business License in accordance with the San Marcos Municipal Code.
7. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from State Route (SR) 78, street grade & adjacent properties. The proposed 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.

8. Building address shall be clearly labeled 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.).
9. All landscaping shall be completed, and inspected and approved by the Planning Division. The applicant/developer is responsible to contact the Planning Division for inspection. Additional landscaping will be required if deemed necessary by the Planning Division.
10. The applicant must submit a letter(s) 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 Water Quality Improvement Plan, respectively. Any proposed modifications to the planting plan shall be approved by the City.
11. All applicable easements and agreements shall be recorded prior to occupancy.
12. The construction of the improvements at San Marcos Boulevard and Via Vera Cruz and at San Marcos Boulevard and Twin Oaks Valley Road as described in the approved focused traffic study shall be completed by the applicant and accepted by the City.
13. The additional westbound to southbound left turn at the intersection of Twin Oaks Valley Road and Barham Drive shall be completed by the applicant and accepted by the City. North City Drive, including its intersection with Twin Oaks Valley Road, shall be completed and accepted by the City.
14. Tentative Tract Map 14-002 Unit 2 improvements to Street E, Campus Way, Barham Drive, and North City Drive shall be completed by the applicant and accepted by the City.
15. The pedestrian bridge over Barham Drive connecting the CSUSM property to the building shall be completed by the applicant and accepted by the City prior to occupancy of the first tenant in the ground floor commercial space. In addition, the applicant shall enter into an agreement with the City to complete construction of a pedestrian bridge over Barham Drive to connect CSUSM to the project site. A performance bond for the construction of the bridge shall be posted in favor of the City in an amount acceptable to the City Engineer. The agreement shall be in a form acceptable to the City Attorney.
16. 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.

17. As-Built drawings shall be submitted to the Engineering Division for review. 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.
18. The applicant shall maintain all CFD landscaping improvements as outlined in the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Developers shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 150% of the maintenance. Prior to acceptance by the City, the applicant shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is well established and thriving prior to the City accepting maintenance responsibilities.
19. The temporary printed vinyl mesh graphics on the northern and southern facades of the parking structure must be installed in accordance with Planning Division Manager approval.

Q. Reliance on the Conditional Use Permit for the Extended Learning (EL) facility is subject to the following operational standards:

1. Instructional activities of the EL facility shall occur onsite, as specified on the approved site plan and floor plans. Outdoor activities are permitted onsite but shall not be a nuisance to surrounding properties and future residential projects within the immediate vicinity. If complaints are received by the City regarding outdoor activities, that applicant must modify outdoor activities to no longer be a nuisance to the satisfaction of the Planning Division Manager.
2. The EL facility operator, which is CSUSM, must comply with all parking and traffic reduction measures as outlined in the approved Parking and Transportation Demand Management Plan.
3. The vinyl mesh screening on the north and south ends of the parking structure must be maintained in good condition (i.e. shall not be torn, faded, etc.) and shall remain anchored in place until such time as a permanent building is constructed.
4. If the educational use vacates the site, only uses as permitted per the "Mixed Use Building A" land use standards in the UDSP shall be permitted onsite.

5. Facility operations of the Extended Learning facility must comply with all requirements of the State of California.
6. The facility must be in compliance with all requirements of the California Building Code and California Fire Code for the use and/or storage of hazardous materials.

R. Only uses as permitted in the “Mixed Use Building Type A” standards in the UDSP shall be permitted within the 14,205 square feet (1<sup>st</sup> floor) commercial space of the building.

S. Future owners and tenants of the building must comply with all traffic and parking reduction measures as specified in the approved Parking and Transportation Demand Management Plan. Any changes to the approved Parking and Transportation Demand Management Plan must be approved by the Development Services Director or Planning Division Manager.

T. Parking supply for the project and surrounding development is reliant on the approved Grant of Easements and Agreement Between Landowners and approved Parking and Transportation Demand Management Plan. Modifications to said documents are prohibited unless approved by the Development Services Director or Planning Division Manager.

U. A separate permit is required for any new signage. Signage must comply with the approved Comprehensive Sign Program for the project. Wall signs must be individual channel letters mounted to the wall surface (no raceways or cabinet signs). All signs must be proportional to the building.

V. All banners and temporary signs require approval of a temporary sign permit and shall comply with the standards outlined in the City’s Temporary Sign Ordinance.

W. The approved architecture, paint colors, and materials shall not be modified by the owner(s) or subsequent owner(s) in the future without Planning Division Manager approval.

X. 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.

Y. Use of the site shall not become obnoxious by reason of noise. If the City receives any noise complaints, the applicant must take correction action to resolve such complaints to the satisfaction of the Planning Division Manager, which may include restricting operating hours, modifying educational activities, etc

Z. Discharges into the MS4 system (i.e. curb, gutter, street, drainage, etc.) are strictly prohibited during construction, business operation, and maintenance activities in accordance with San Marcos Municipal Code (SMMC) Section 14.15 (Storm Water Management and Discharge Control).

- AA. For public safety response purposes, the address and suite number of the facility must be visible from the street. Building address numbers must be a minimum 12 inches in height with a ½ inch stroke. Suite numbers shall be a minimum 4 inches in height.
- BB. The Planning Division may, but is not obligated to, inspect the premises annually to ensure compliance with all conditions of the use permit approval.
- CC. 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.
- DD. 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.
- EE. Minor architectural adjustments to the approved plans may be reviewed and processed administratively with the Planning and Engineering Divisions. Refinements to the approved plans shall only be considered within building envelopes on the approved plans.
- FF. This Conditional Use Permit 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 application is submitted to the City.
- GG. To the extent permitted by law, the 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 Developer or its contractors, subcontractors, agents, employees or other persons acting on 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. 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 16<sup>th</sup> day of October, 2017, by the following electronic vote:

AYES: COMMISSIONERS: FLODINE, JACOBY, KILDOO, MATTHEWS, OLEKSY

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: MINNERY, NORRIS

APPROVED:

  
Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

  
Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION