RESOLUTION PC 16-4584

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A SPECIFIC PLAN FOR A 148-UNIT AFFORDABLE APARTMENT COMPLEX

P15-0052
SP 15-004
National Community Renaissance

WHEREAS, on July 8, 2015 an application was received from National Community Renaissance requesting a Specific Plan for a 148-unit affordable apartment complex, in conjunction with Multi-Family Site Development Plan (MFSDP 15-004), General Plan Amendment (GPA 15-003), and Rezone (R 15-002), located at 339-340 Marcos Street in the Richmar Neighborhood, more particularly described as:

> Portions of Lots 1 and 2, Block 50 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.
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> Assessor's Parcel Numbers: 220-100-65-00, 220-100-69-00, 220-112-09-00, & 220-112-10-00.

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

WHEREAS, the existing 136-unit affordable apartment complex is considered a legal non-conforming use; and

WHEREAS, public workshops with the general public were held on August 11 and August 31 of 2016; and

WHEREAS, the required public hearing held on December 19, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 16-002) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

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1. The proposed Specific Plan complies with the objectives of the adopted City-wide Land Use Policy Plan in that the project will provide for an opportunity to redevelop affordable housing by replacing an existing 136-unit apartment complex with a new 148-unit development which will further opportunities for affordable housing by extending the life of affordable housing stock and increasing the number of units within the City; and therefore, continue to implement Goal 2 (Protect, Encourage, and Provide Housing Opportunities for Persons of Lower and Moderate Incomes) of the General Plan Housing Element and Implementing Program 2 (Facilitate Affordable Housing Construction) and Program 11 (Conservation of Existing and Future Affordable Units); the proposal will encourage the orderly redevelopment of the Richland Neighborhood in that the proposed affordable apartment project is designed for an area of high pedestrian use with walk-up apartment units oriented toward the public sidewalk along Richmar Avenue, and located in walking distance to commercial retail, schools, parks, and public transit such as the nearby Sprinter line and Breeze bus services; and the General Plan requires approval of a Specific Plan which will establish development criteria for the proposed affordable apartment project.

2. The proposed Specific Plan will not be detrimental to the public health, safety, and welfare in that the affordable housing project will be conditioned through the Specific Plan (SP 15-004) and Multi-Family Site Development Plan (MFSDP 15-004) for new and improved architectural treatment, energy-efficient construction, and water-efficient landscaping; construct new Richmar Avenue frontage improvements; provide seventy-seven (77) percent more parking than the existing apartment complex in accordance with the City Off-Street Parking Ordinance (SMMC Ch. 20.340); provide adequate setbacks between buildings and from other properties; and adequate public facilities and infrastructure, including fire, police, water, sewer.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.

2. Mitigated Negative Declaration (ND 16-002) is hereby recommended to the City Council for approval.

3. This Specific Plan (SP 15-004) is hereby recommended to the City Council for approval.

4. This Specific Plan (SP 15-004) is approved in conjunction with the submitted Multi-Family Site Development Plan (MFSDP 15-004), General Plan Amendment (GPA 15-003), Rezone (R 15-002); and all conditions of approval specified in Resolutions PC 16-4585, PC 16-4586, and PC 16-4587, respectively, are incorporated by reference herein.

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

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

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 19th day of December, 2016, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 16-4585

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A 148-UNIT AFFORDABLE APARTMENT COMPLEX IN THE RICHMAR NEIGHBORHOOD

P15-0052
MFSDP 15-004
National Community Renaissance

WHEREAS, on July 8, 2015 an application was received from National Community Renaissance to allow the demolition of an existing 136-unit affordable apartment complex and construct a new 148-unit affordable apartment complex in two phases, in conjunction with Specific Plan (SP 15-004), General Plan Amendment (GPA 15-003), and Rezone (R 15-002), located at 339-340 Marcos Street in the Richmar Neighborhood, more particularly described as:

> Portions of Lots 1 and 2, Block 50 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.
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> Assessor's Parcel Numbers: 220-100-65-00, 220-100-69-00, 220-112-09-00, & 220-112-10-00.

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

WHEREAS, the existing 136-unit affordable apartment complex is considered a legal non-conforming use; and

WHEREAS, public workshops with the general public were held on August 11 and August 31 of 2016; and

WHEREAS, the required public hearing held on December 19, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 16-002) for said request 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 Multi-Family Site Development Plan is consistent with the General Plan in that the affordable apartment project is consistent with the multi-family residential density for the Richmar Neighborhood with approval of a Specific Plan; to eliminate

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and prevent the spread of blight and deterioration and to conserve, rehabilitate, and redevelop the project area; and Goal LU-5 of the General Plan by proposing quality design of residential developments and to achieve attractively designed developments sensitive to the environment and physical characteristics of the site.

2. The project site does not contain any substantial trees, but has been previously developed with an existing apartment complex and landscaping which will be demolished as part of this project, and as a result, the proposed Multi-Family Site Development Plan will not unnecessarily remove trees and natural vegetation, but will plant new trees throughout the proposed development including street trees along Richmar Avenue.

3. The project site is generally void of any topographical features and as a result, the proposed Multi-Family Site Development Plan will not have any impact on natural landforms and ridgelines nor will it include excessive or unsightly grading of hillsides or otherwise adversely affect the natural setting of the project site in that it has been previously developed with an existing apartment complex which will be demolished as part of the project.

4. The Multi-Family Site Development Plan is in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site.

5. The Multi-Family Site Development Plan, as conditioned, will create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site and provide safe and convenient access to the property for pedestrians, cyclists and vehicles.

6. The Multi-Family Site Development Plan includes the development of structures and landscaping that will implement the General Plan, Zoning Ordinance, and California Building Code.

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

8. The Multi-Family Site Development Plan provides parking and landscaping consistent with the proposed Specific Plan and City Zoning Ordinance and in a manner that visually enhances the physical use of the property.

NOW, THEREFORE, the Planning Commission resolves as follows:

A. The foregoing recitals are true and correct.

B. A Mitigated Negative Declaration (ND 16-002) is hereby recommended to the City Council for approval pursuant to the California Environmental Quality Act (CEQA).

C. This Multi-Family Site Development Plan is approved per the submitted Phases 1 and 2 site plan (dated 8/1/16, Architects DGa), architectural elevations, materials board, and conceptual landscape plan, except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 16-4585.

D. This Multi-Family Site Development Plan (MFSDP 15-004) is approved in conjunction with the submitted Specific Plan (SP 15-004), General Plan Amendment (GPA 15-003), and Rezone (R 15-002); and all conditions of approval specified in Resolutions PC 16-4584, PC 16-4586, and PC 16-4587, respectively, are hereby incorporated by reference herein.

E. Within thirty (30) days of the approval of the Multi-Family Site Development Plan (MFSDP 15-004), the final approved site plan, landscape plans, floor plans, and elevations shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 16-4585." 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.

F. The site plan, dated 8/1/16, shall be modified as follows:

1. On Sheet A2.01 in the Floor Plan Notes, Note 9 shall be corrected which is repeated and illegible.

2. On Sheet A5.08 in the Plan Notes, Note 13 shall be corrected which is illegible.

3. On Sheets A1.01, A1.02, A2.01, A2.02, A5.03, A5.04, A5.05, and A5.06, the shaded area shall be identified as areas where dropped ceilings occur for HVAC ducting.

G. The conceptual grading plans, dated 8/11/16, shall be modified as follows:

1. In the Easement Notes, existing easements which are proposed to be vacated shall be identified as such in the notes.

H. General Provisions

1. 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.

2. 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.

3. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the applicant/developer's responsibility to determine all agencies with rights of approval for the proposed development.

4. The applicant/developer shall be responsible for bearing the costs of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.

5. All design requirements and mitigation measures of Mitigated Negative Declaration (ND 16-002) shall be implemented.

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

1. This applicant/developer shall apply for a public improvement permit complaint with SMMC 14.16. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.

2. The applicant/developer shall enter into a Development Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Public Improvements shall include, at a minimum, the following:

   a. Sidewalk along the property frontage on Liberty Drive, Marcos Street, and Richmar Avenue.
   b. Underground storm drains necessary to tie the proposed private system to the public system.
   c. Landscaping in the right-of-way.
   d. Street lights
   e. Public water and sewer improvements as required by the water district.

3. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.

4. Parking along Liberty Avenue and Marcos street shall be eliminated where sufficient right-of-way and/or sight distance does not meet minimum fire and/or

engineering standards.

5. Should the applicant/developer 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.

6. Liberty Drive shall be dedicated by the property owner to the City of San Marcos. The dedication shall be based on a centerline to right-of-way width of 28 feet. 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.

7. The applicant/developer shall obtain all interests in real property for all offsite public improvements and shall dedicate the same to the City. The applicant/developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to permit issuance.

8. A certificate of compliance for property merger/boundary adjustment shall be recorded for the properties (APNs: 220-100-65-00, 220-100-69-00, & 220-112-10-00) within the Phase 2 project boundary.

9. An easement shall be recorded in favor of the property owner of APN 220-111-21-00 for access and utility purposes. A draft of the easement language shall be provided to the City for review and approval prior to recordation. Access and services to APN 220-111-21-00 shall not be interrupted by construction without prior written approval from the property owner.

10. 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 (re)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 applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.

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

12. Permanent public utilities, including meter services, detector checks, public irrigation equipment, etc., shall be placed outside of the ultimate right-of-way. Additional improvements may be necessary to allow for proper access to and for the screening of the facilities if location outside of the right-of-way is determined to be infeasible. The applicant shall be responsible for acquiring and dedicating all associated easements required by the City and utility companies for such work.

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

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

15. For multifamily areas that share access and/or parking, an unsubordinated reciprocal access and parking agreement, 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.

16. The applicant shall submit for a grading permit in accordance with the San Marcos Municipal Code section 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.

17. Erosion control and sediment control details shall be submitted 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.

18. 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).

19. 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).

20. The applicant/developer 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.

21. 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.

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

23. Parking and driveway areas shall be designed with Asphaltic Concrete (AC) or Portland Cement Concrete (PCC) over a prepared base.

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

25. All exposed retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.

26. The applicant/developer shall obtain a demolition permit from the Building Division prior to demolition of the existing structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and shall provide recommendations for proper removal of said materials prior to demolition. Structures shall also be inspected for lead-based painted materials, and provide recommendations for proper disposal. In addition, any significant visible microbial growth (greater than a 1 square foot area) within the buildings, shall be remediated by a qualified mold remediation company prior to demolition.

27. The applicant/developer shall enter into a regulatory agreement and Owner Participation Agreement (OPA) approved by the City Manager, for each phase of the affordable housing units. The agreement shall include, but is not limited to, term of restriction, monitoring requirements, occupancy and income restrictions, management control, and Conditions, Covenants, and Restrictions considered by the City to ensure compliance with the City's Housing Element of the General Plan.

28. The applicant/developer shall comply with the following conditions regarding cultural resources:

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

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

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

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

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

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

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

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

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

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

presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

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

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

b. Separate landscape plans shall be submitted for the on-site (private) landscape areas and the off-site (CFD) landscape areas. CFD landscape plans shall be submitted to the Engineering Division as part of the street improvement plan set. Private landscape plans shall be submitted separately to the Planning Division.

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

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

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

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 Storm Water Quality Management Plans.

g. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division for plant quality and compliance with minimum size requirements. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

h. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type in accordance with the approved specific plan, and shall not include chain link or dog-eared wood fencing. Fencing shall include pilasters with a maximum spacing of fifty (50) feet, and located outside of any right-of-way.

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

1. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):

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

   No permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation the applicant/developer may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The applicant/developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents. CFD 2011-01, Congestion Management, shall be calculated based upon the difference (12 units) between the existing number of apartment units and the proposed.

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

3. 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.

4. 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.

5. 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.

6. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.

7. 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.

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

9. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures includes such items as: 1) Reinforced door jambs; 2) One piece door stops; 3) 16-gauge strike plate for deadbolts; 4) Locking hardware for garage doors; 5) Two locking devices for wide garage doors; 6) 1-3/4 inch solid exterior doors; 7) Laminated safety glass; 8) Wide angle peep hole for exterior doors; 9) No louvered windows; and 10) Address numbers easily visible from the street.

10. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.

11. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall

be identified in accordance with Health and Safety Code Section 25101.

12. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.

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

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

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

16. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.

17. 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.

18. 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.

19. 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.

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

with plans. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.

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

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

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

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

25. A separate sign permit shall be required for the proposed monument sign. Signage shall be limited to one (1) monument sign per the requirements of the approved specific plan. Monument sign shall be located outside of the right-of-way and line-of-sight of driveways.

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

27. The applicant/developer shall submit a parking management plan to the Planning Division for review and approval.

28. All tot lot recreational amenities and playground equipment shall comply with all C.P.S.C. and A.D.A. accessibility standards. Plans shall include a detail of each of the play areas with the proposed play equipment and specifications of said equipment. Final design shall be approved by the Community Services Director and Planning Division.

29. The applicant/developer shall submit an outdoor furniture manual with photographs and specifications of benches, picnic tables, barbeques, trash receptacles, etc. Manual shall include a site plan showing locations of the outdoor furniture. The applicant shall be responsible for the installation of outdoor furniture.

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

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

2. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.

3. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.

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

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

6. The demolition of buildings shall not commence until the proper testing of asbestos, lead paint and hazardous materials has been performed and the abatement of the hazardous materials has been completed. The recycling of materials shall comply with state law and all utilities shall be disconnected and safely abandoned.

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

8. At least one copy of the approved plans, approval letters and conditions of

approval shall be available for review at the job site at all times.

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

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

11. During grading and construction operations, the developer shall maintain public and private driveway access to neighboring properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.

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

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

2. All landscaping shall be completed, and inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection. CFD landscaping shall require inspection by the Public Works Department.

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

4. The applicant shall have completed the installation of the playground equipment and outdoor furniture in accordance with the manufacturer's standards. The applicant/developer shall submit for each phase a letter by the installation contractor indicating that the playground equipment has been installed per the manufacturer's specifications.

5. The applicant/developer shall comply with the Fire Department for hydrants and on-

site access for emergency vehicles. Fire hydrants as shown on the improvement plans shall be installed prior to occupancy.

6. The applicant shall maintain all CFD projects 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.

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

8. 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.

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

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

N. 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.

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

P. This Multi-Family Site Development Plan approval shall lapse and be null and void one (1) year following the date upon which the plans and drawings were approved by the review authority, or 240 days after tax credit approval for Phase 1, whichever is the greater amount of days, unless prior to the expiration, a grading and/or building permit is issued for Phase 1 and construction is commenced and diligently pursued toward completion. For Phase 2, the applicant/developer shall obtain approval of grading and/or building permits within two (2) years of approval of this Multi-Family Site Development Plan, or 240 days after tax credit approval for Phase 2, whichever is the greater amount of days.

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

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 19th day of December, 2016, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 16-4586

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A GENERAL PLAN AMENDMENT FOR A CHANGE OF LAND USE OF 4.06 ACRES OF MEDIUM DENSITY RESIDENTIAL 2 TO SPECIFIC PLAN AREA

P15-0052
GPA 15-003
National Community Renaissance

WHEREAS, the State of California has adopted Article 5 of the State Government Code; and

WHEREAS, Article 6 provisions specify that each planning agency and legislative body of each City and County shall adopt a comprehensive, long-term general plan for the physical development of the City; and

WHEREAS, Article 5, Section 65302 of the State Government Code specifies the content for a General Plan and a Land Use Element for said plan; and

WHEREAS, on July 8, 2015 an application was received from National Community Renaissance requesting a General Plan Amendment for a change of land use of 4.06 acres from "Medium Density Residential 2" to "Specific Plan Area", in conjunction with Specific Plan (SP 15-004), Multi-Family Site Development Plan (MFSDP 15-004), and Rezone (R 15-002), located at 339-340 Marcos Street in the Richmar Neighborhood, more particularly described as:

> Portions of Lots 1 and 2, Block 50 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.
>
> Assessor's Parcel Numbers: 220-100-65-00, 220-100-69-00, 220-112-09-00, & 220-112-10-00.

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

WHEREAS, the existing 136-unit affordable apartment complex is considered a legal non-conforming use; and

WHEREAS, public workshops with the general public were held on August 11 and August 31 of 2016; and

AGENDA ITEM
2

WHEREAS, the required public hearing held on December 19, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 16-002) for said request 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 proposed General Plan Amendment is consistent with the goals, and objectives of the General Plan in that the project proposes to replace an existing 136-unit affordable apartment complex with a new 148-unit low-income development which will further opportunities for affordable housing by extending the life of affordable housing stock and increasing the number of units within the City; and therefore, continue to implement Goal 2 (Protect, Encourage, and Provide Housing Opportunities for Persons of Lower and Moderate Incomes) of the General Plan Housing Element and Implementing Program 2 (Facilitate Affordable Housing Construction) and Program 11 (Conservation of Existing and Future Affordable Units); the existing 136-unit complex is considered to be an existing legal non-conforming use in that its density of 33.5 dwelling units per acre (du/ac) is inconsistent with the current General Plan designation of "Medium Density Residential 2 (MDR2)" which allows for 15 to 20 du/ac, and therefore, the proposed land use change to "Specific Plan Area" will allow for the increase in density to 36.5 du/ac for the proposed 148-unit apartment project through approval of a Specific Plan; the proposal will eliminate and prevent the spread of blight and deterioration and to conserve, rehabilitate, and redevelop the project area by replacing an aging 4.06-acre apartment complex; and will encourage development of an identifiable and unique image through a consistent architectural and urban design character through the Villa Serena Specific Plan document.

2. The proposed General Plan Amendment will not be detrimental to the public health, safety, and welfare in that the affordable housing project will be conditioned through the Specific Plan (SP 15-004) and Multi-Family Site Development Plan (MFSDP 15-004) for new and improved architectural treatment, energy-efficient construction, and water-efficient landscaping; construct new Richmar Avenue frontage improvements; provide seventy-seven (77) percentage more parking than the existing apartment complex in accordance with the City Off-Street Parking Ordinance (SMMC Ch. 20.340); provide adequate setbacks between buildings and from other properties; and adequate public facilities and infrastructure, including fire, police, water, sewer.

3. The proposed General Plan Amendment is consistent with the goals and objectives of the General Plan Goal 1, Policy 1.2, in that it incorporates Smart growth principals through the redevelopment of a high-density residential project that will continue to provide affordable housing within walking distance to commercial retail, schools,

and parks within the Richmar Neighborhood and located near a corridor rail service (Sprinter stations) and bus transit opportunities thereby encouraging the use of transit.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.

2. Mitigated Negative Declaration (ND 16-002) is hereby recommended to the City Council for approval.

3. The General Plan Amendment (GPA 15-003), as shown on the attached "Exhibit A", is hereby recommended to the City Council for approval.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 19th day of December, 2016, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

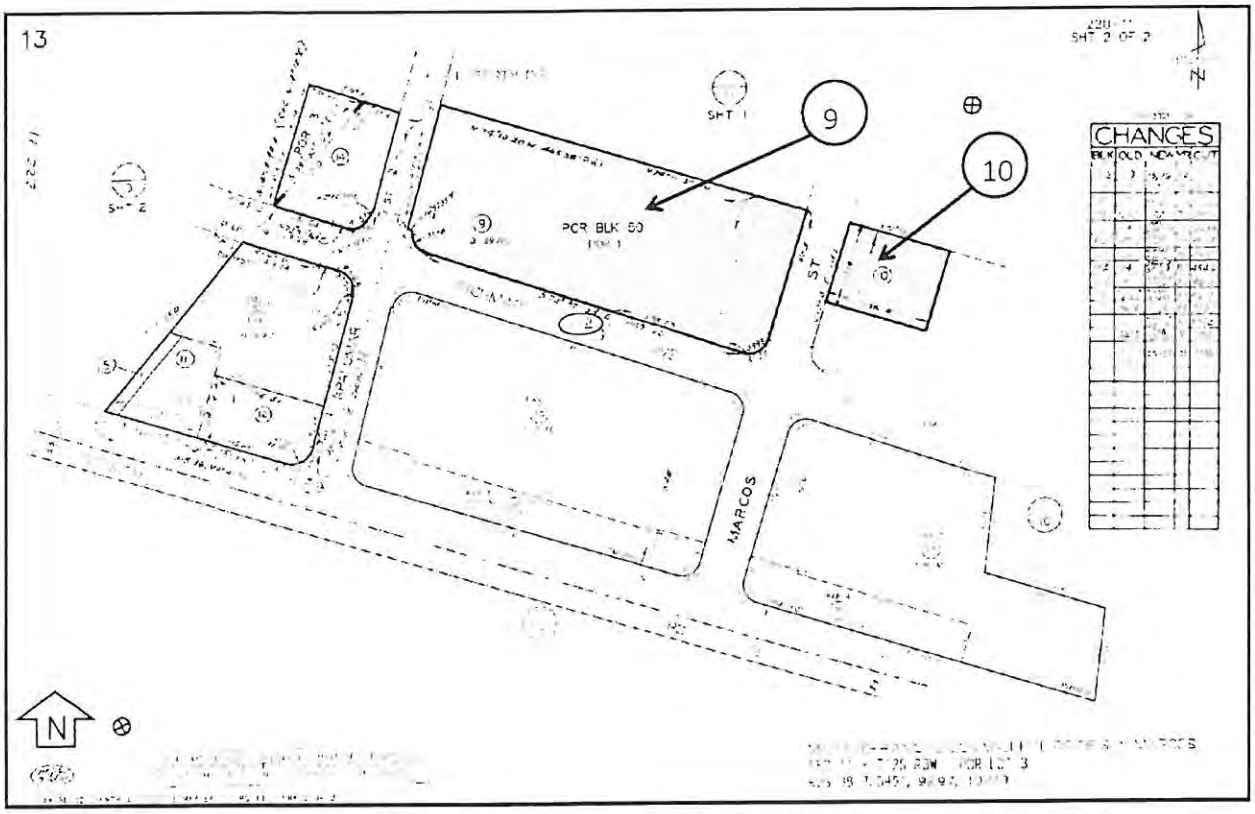
Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

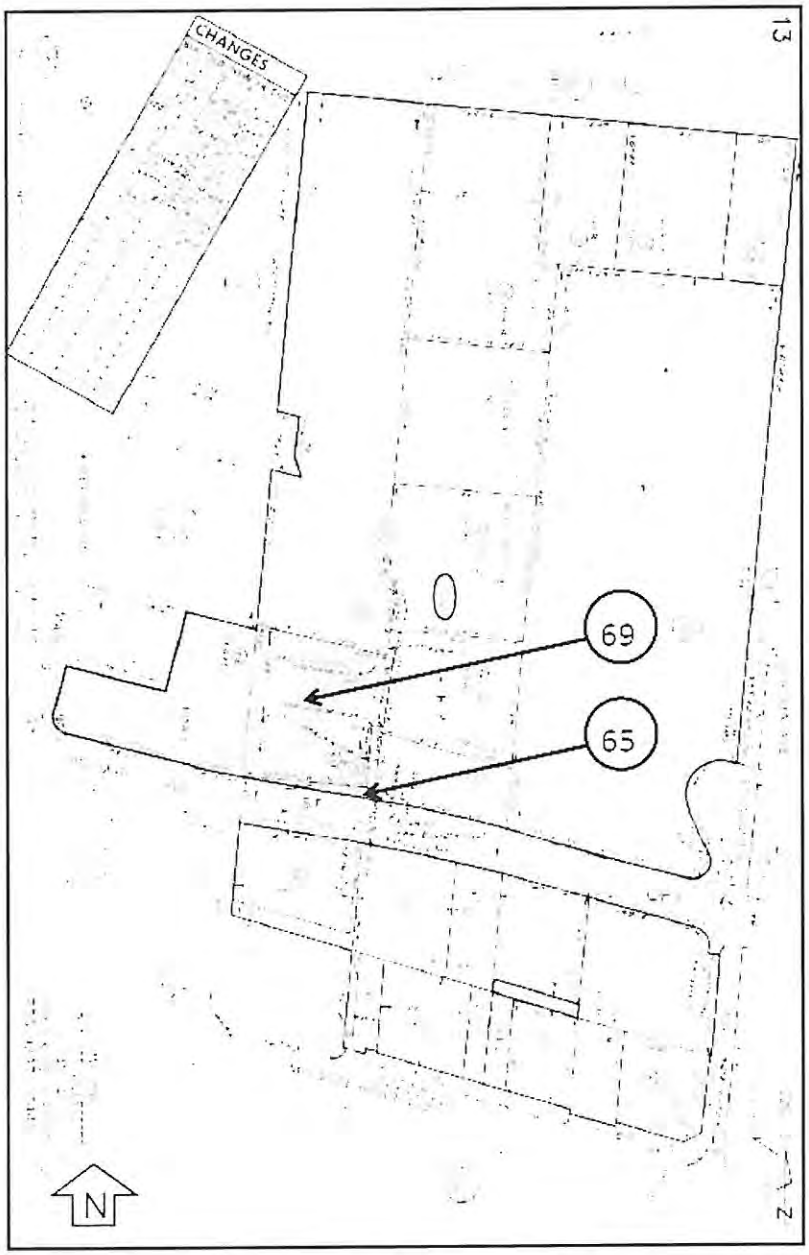
EXHIBIT "A"



Land use change from Medium Density Residential 2 to Specific Plan Area

APNs: 220-112-09 and 220-112-10

EXHIBIT "A" (cont.)



Land use change from Medium Density Residential 2 to Specific Plan Area

APNs: 220-100-65 and 220-100-69

RESOLUTION PC 16-4587

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE RECLASSIFICATION OF 4.06 ACRES FROM MULTI-FAMILY RESIDENTIAL (R-3-10) TO SPECIFIC PLAN AREA (SPA)

P15-0052
R 15-002
National Community Renaissance

WHEREAS, on July 8, 2015 an application was received from National Community Renaissance requesting a zone reclassification of 4.06 acres from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA), in conjunction with Specific Plan (SP 15-004), Multi-Family Site Development Plan (MFSDP 15-004), and General Plan Amendment (GPA 15-003), located at 339-340 Marcos Street in the Richmar Neighborhood, more particularly described as:

> Portions of Lots 1 and 2, Block 50 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.
>
> Assessor's Parcel Numbers: 220-100-65-00, 220-100-69-00, 220-112-09-00, & 220-112-10-00.

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

WHEREAS, the existing 136-unit affordable apartment complex is considered a legal non-conforming use; and

WHEREAS, public workshops with the general public were held on August 11 and August 31 of 2016; and

WHEREAS, the required public hearing held on December 19, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 16-002) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

AGENDA ITEM
2

1. The proposed Rezone complies with the objectives of the adopted City-wide Land Use Policy Plan in that the project proposes to replace an existing 136-unit affordable apartment complex with a 148-unit new low-income development which will further opportunities for affordable housing by extending the life of affordable housing stock and increasing the number of units within the City; and therefore, continue to implement Goal 2 (Protect, Encourage, and Provide Housing Opportunities for Persons of Lower and Moderate Incomes) of the General Plan Housing Element and Implementing Program 2 (Facilitate Affordable Housing Construction) and Program 11 (Conservation of Existing and Future Affordable Units); the proposal will eliminate and prevent the spread of blight and deterioration and to conserve, rehabilitate, and redevelop the project area by replacing an aging 4.06-acre apartment complex with new development; and will encourage development of an identifiable and unique image through a new architectural and urban design character which will enhance the Richmar Neighborhood through implementation of the Villa Serena Specific Plan document.

2. The proposed Rezone will not be detrimental to the public health, safety, and welfare in that the affordable housing project will be conditioned through the Specific Plan (SP 15-004) and Multi-Family Site Development Plan (MFSDP 15-004) for new and improved architectural treatment, energy-efficient construction, and water-efficient landscaping; construct new Richmar Avenue frontage improvements; provide seventy-seven (77) percent more parking than the existing apartment complex in accordance with the City Off-Street Parking Ordinance (SMMC Ch. 20.340); provide adequate setbacks between buildings and from other properties; and adequate public facilities and infrastructure, including fire, police, water, sewer.

3. The proposed Rezone would encourage the orderly redevelopment of the site area as established by the General Plan in that the proposed affordable apartment project is designed for an area of high pedestrian use with walk-up apartment units oriented toward the public sidewalk along Richmar Avenue, and located in walking distance to commercial retail, schools, parks, and public transit such as the nearby Sprinter line.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.

2. Mitigated Negative Declaration (ND 16-002) is hereby recommended to the City Council for approval.

3. The Rezone (R 15-002), as shown on the attached "Exhibit A", is hereby recommended to the City Council for approval.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 19th day of December, 2016, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

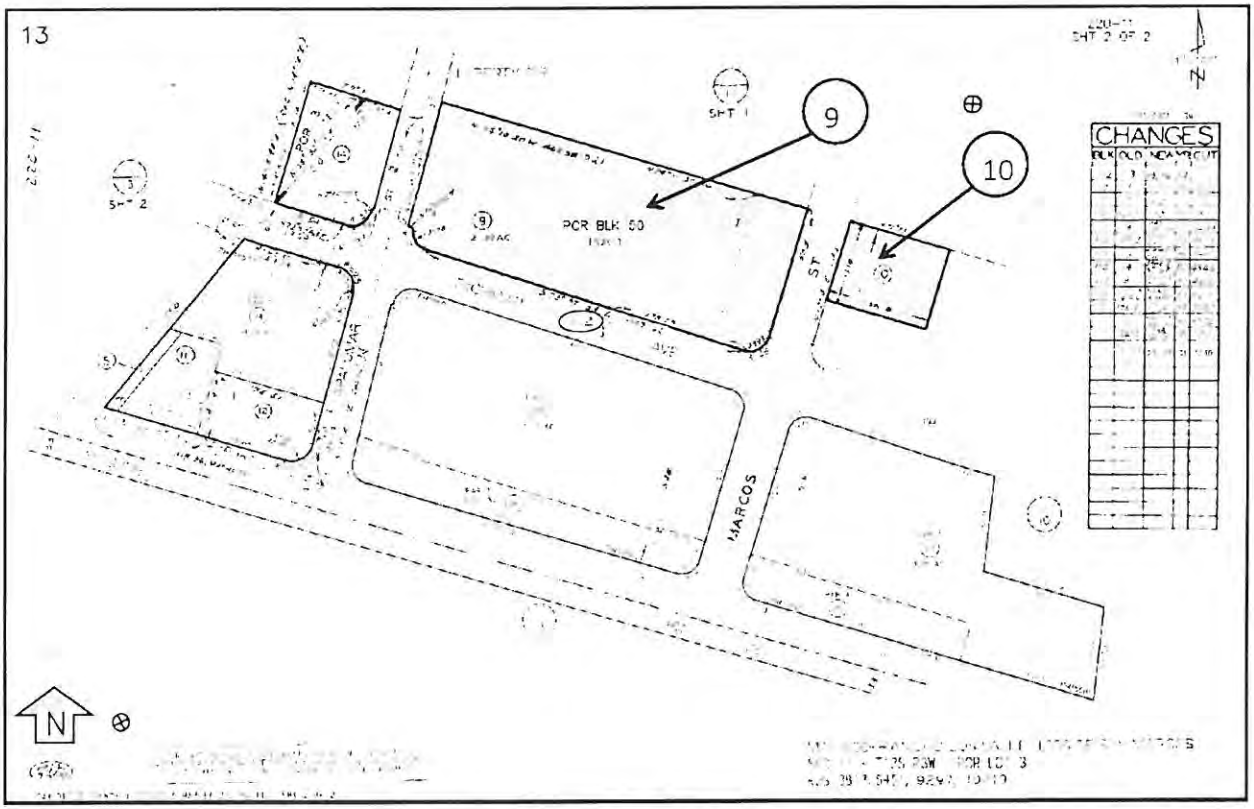
Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

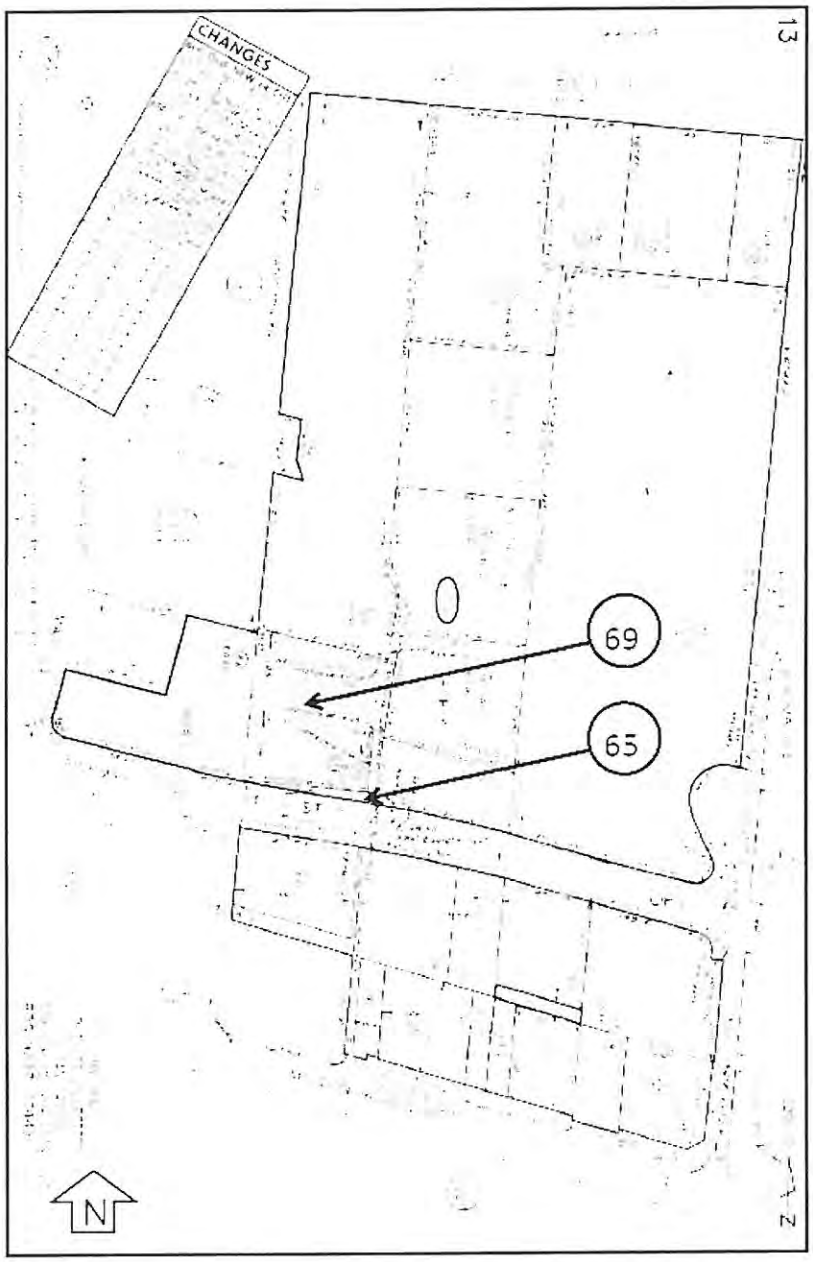
EXHIBIT "A"



Zone change from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA)

APNs: 220-112-09 and 220-112-10

EXHIBIT "A" (cont.)



Zone change from Multi-Family Residential (R-3-10) to Specific Plan Area (SPA)

APNs: 220-100-65 and 220-100-69