



AGENDA REPORT

Meeting of the San Marcos Planning Commission

MEETING DATE: April 3, 2017
SUBJECT: Lennar Homes of California Inc., Unit 7 of San Elijo Hills Planning Area "O"
CASE: P17-004 (Site Development Plan 17-001)

Recommendation

Approve a Site Development Plan to construct sixteen (16) single-family residential homes in Unit 7 of "Area O" of the San Elijo Hills Specific Plan (SEHSP) and certify the project is within the scope of the Final Subsequent Environmental Impact Report (FSEIR) for the San Elijo Hills Specific Plan (SEHSP) and 2005 Addendum to the San Elijo Hills FSEIR.

Introduction

The San Elijo Hills Specific Plan (SEHSP) was approved in 1997 and amendments to the specific plan were approved in 2000, 2003, and 2005. The modification approved in 2005 (SP 89-18 (2004 Mod.)), specifically, involved updating architectural standards for Areas O, S, and T relative to architectural scale, massing, lighting, landscaping, visual impacts from specific view corridors, and grading (modification from split level pads to flat pads). In addition to the development standards for Area O, the modification also addressed the Site Development Plan review process; which requires the Planning Commission to review, as consent item, the final site development plan and photo simulations. As a Planning Commission consent item, the photo simulations (Attachment F) are required to validate the limited exposure of the residential structures near the ridgeline.

Discussion

Area O in the San Elijo Hills Specific Plan (SEHSP) Area is broken up into three (3) units: Unit 7, Unit 8, and Unit 9. A total of sixty (60) residential homes are permitted in Units 7, 8 and 9, collectively, per the SEHSP. On February 22, 2016, the Planning Commission approved Site Development Plan 15-011, which allowed for the construction of forty-four (44) single family residential homes in Units 8 & 9 which are currently under construction. The applicant is requesting approval of a Site Development Plan (SDP 17-001) to construct the remaining sixteen (16) single family residential homes in Unit 7. The site is bounded by open space to the north (as part of Planning Area Q), Units 8 & 9 of Planning Area O to the south, and single family residential to the east and west (Areas K & S). All lots within Area O were established through San Marcos Tract 400. The site is directly accessed from San Elijo Road via Ledge Street. All roads and utilities including water, sewer, and electrical are under construction.

The architectural styles of the proposed homes in Unit 7 consist of Italian Renaissance, Spanish, and Old World. All architectural styles, colors, themes, massing, and development parameters (i.e. setbacks,

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height, etc.) comply with the approved standards per Section IV.D of the SEHSP. In addition to architectural and development standard compliance, the 2005 Specific Plan modification (SP 89-18 (2004 Mod.)) also enacted architectural and grading techniques to ensure the homes do not dominate the natural topography and profile of the ridgeline. These techniques include the requirement for articulation on all sides of structures to assure nonlinear solutions that are harmonious with the natural topography; height and architectural restrictions in key areas; and requiring structures of a scale that blend with the ridgeline and topography of the area. All homes in Unit 7 of Planning Area O are proposed to be 2-story homes containing architectural articulation on all sides, include variation of single story and 2-story elements, and finished with earth tone colors to further blend in with the ridgeline.

To further validate the uninterrupted profile of the ridgeline with construction of the project, the applicant has submitted photo simulations which verify specific plan compliance (see Attachment F). The submitted photo simulations depict six (6) view corridors established through the 2005 SEHSP modification (SP 89-18 (2004 Mod.)). The photo simulations identify homes being visible from View 1 (Rancho Santa Fe Rd. at State Route 78 Bridge) and View 5 (Lake San Marcos). Homes visible from these locations are located in Unit 8 of Planning Area O and were approved under Site Development Plan (SDP) 15-011. Although these homes will be visible, their visibility is minimal and consistent with the originally approved photo simulations approved as part of SEHSP modification approved in 2005 (SP 89-18 (2004 Mod.)). No homes in Area O will be visible from Views 2, 3, 4, or 6. No proposed homes in Unit 7 of Area O will be visible from any of the six (6) view corridors.

All landscaping within the project area will comply with the landscaping requirements per the SEHSP and the City & California State Model Water Efficiency landscape ordinance. All street lights within Area O have been installed and comply with the lighting restrictions in the Final Subsequent Environmental Impact Report (FSEIR) as well as the lighting restrictions for Area O as a sensitive view area along the ridgeline.

Environmental

Staff determined the project is within the scope of the Final Subsequent Environmental Impact Report (FSEIR) for the San Elijo Hills Specific Plan (SEHSP) and the 2005 Addendum to the FSEIR for the SEHSP.

Public Comment

A public notification of the project was mailed to surrounding property owners in accordance with San Marcos Municipal Code (SMMC) Section 20.515.040 (Notice and Hearings) and no comments were received.



Attachment(s)

Resolution PC 17-4618 - Site Development Plan (SDP) 17-001

- A- Site Plan
- B- Elevations
- C- Vicinity Map
- D- Requested Entitlement
- E- Site & Project Characteristics
- F- Photo Simulations

Prepared by:



Art Piñon, Associate Planner

Approved by:



Karen Brindley, Planning Division Manager

Submitted by:



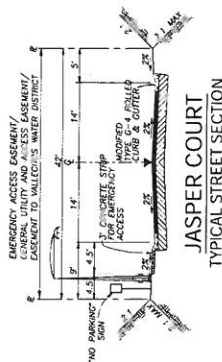
Dahvia Lynch, Development Services Director



ATTACHMENT A
Site Plan

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SHEET 1 OF 1



ENHANCED ELEVATION



SETBACKS

- FRONT = 25' TO MAIN RESIDENCE, DIRECT ENTRY GARAGE & SWING-IN GARAGE (MEASURED FROM CURB, NO SIDEWALK)

- FRONT = 20' TO PORCH (MEASURED FROM CURB, NO SIDEWALK)
- FRONT = 15' TO MAIN RESIDENCE, DIRECT ENTRY GARAGE & SWING-IN GARAGE FOR LOTS 1, 2 & 3 ONLY (MEASURED FROM CURB, NO SIDEWALK)
- REAR = 30' TO PROPERTY LINE
- REAR = 15' TO PROPERTY LINE FOR LOTS 1 & 2 ONLY, 20' TO PROPERTY LINE FOR LOT 3 ONLY.
- SIDE YARD = 5' MIN. TO PROPERTY LINE/30' MIN. BETWEEN BUILDINGS
- ACCESSORY STRUCTURES = 20' TO PROPERTY LINE

1.1. ALL RETAINING WALLS SHOWN WILL BE PERMITTED SEPARATELY THROUGH THE BUILDING DEPARTMENT OR AS REQUIRED.

2. FINAL LOCATION OF 'NO PARKING' SIGNS TO BE DETERMINED IN THE FIELD AT THE DIRECTION OF THE PUBLIC WORKS INSPECTOR (PRIOR TO SALE/OCCUPANCY OF UNITS). NO PARKING SIGNS TO BE PLACED AT 200' INTERVALS.
3. JASPER COURT IS A PRIVATE STREET AND THERE IS NO SIDEWALK ON JASPER COURT.



**HUNSAKER
& ASSOCIATES**
SAN DIEGO, INC.

PLANNING
ENGINEERING
SURVEYING

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ATTACHMENT B

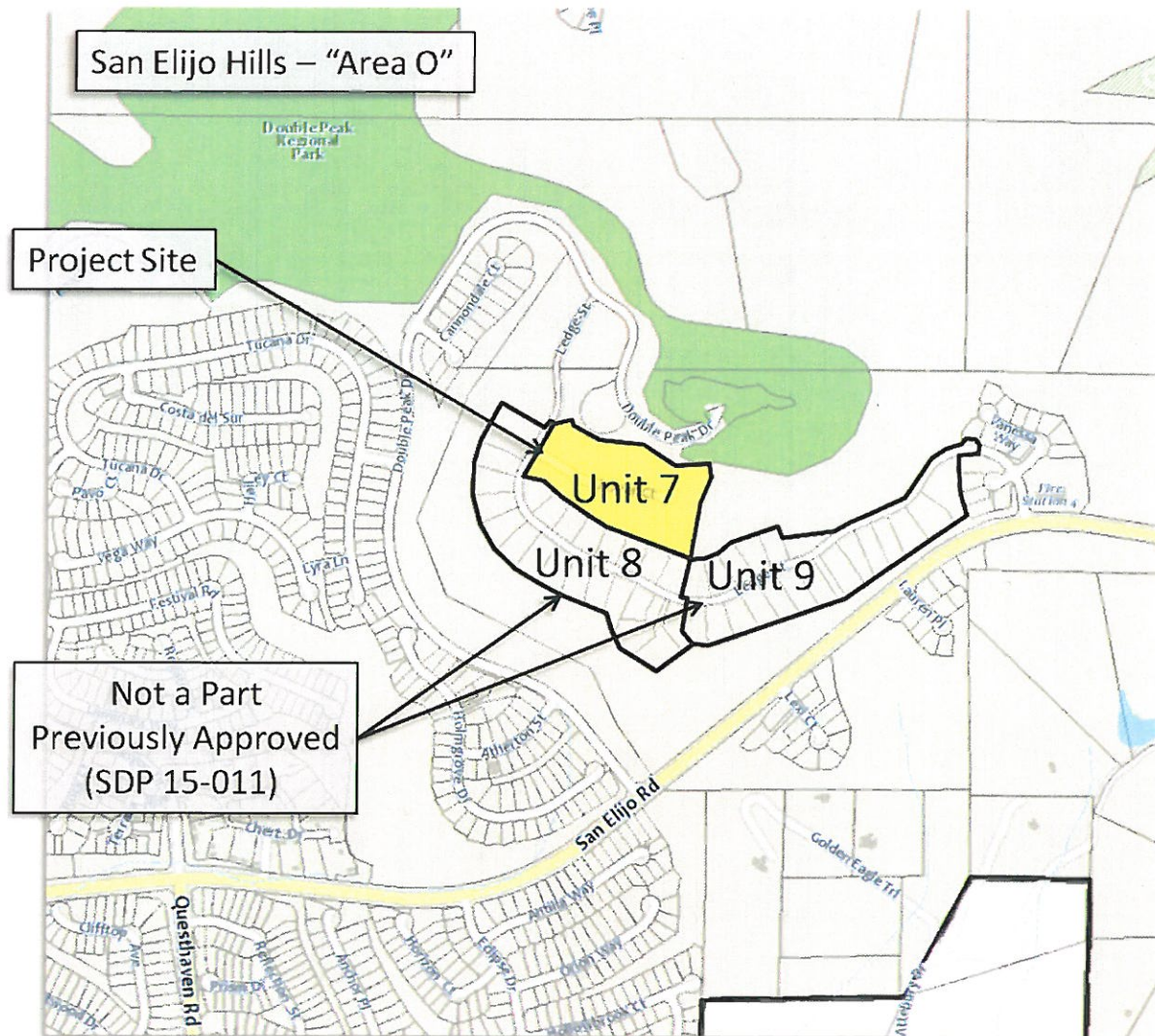
Elevations

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ATTACHMENT C

Vicinity Map





ATTACHMENT D

Requested Entitlement

Site Development Plan (SDP) 17-001: Applicant/Developer is requesting approval of a Site Development Plan to construct sixteen (16) single-family residential homes in Unit 7 of "Area O" of the San Elijo Hills Specific Plan and certify the project is within the scope of the Final Subsequent Environmental Impact Report (FSEIR) for the San Elijo Hills Specific Plan and 2005 Addendum to the San Elijo Hills FSEIR.

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ATTACHMENT E

Site & Project Characteristics

<u>Property</u>	<u>Existing Land use</u>	<u>Zoning</u>	<u>General Plan Designation</u>
Subject	Vacant	Specific Plan Area (SPA) "San Elijo Hills"	Specific Plan Area (SPA) "San Elijo Hills"
North	Vacant	Specific Plan Area (SPA) "San Elijo Hills"	Specific Plan Area (SPA) "San Elijo Hills"
South	Single Family Residential	Specific Plan Area (SPA) "San Elijo Hills"	Specific Plan Area (SPA) "San Elijo Hills"
East	Single Family Residential	Specific Plan Area (SPA) "San Elijo Hills"	Specific Plan Area (SPA) "San Elijo Hills"
West	Single Family Residential	Specific Plan Area (SPA) "San Elijo Hills"	Specific Plan Area (SPA) "San Elijo Hills"

Flood Hazard Zone	<u> </u> yes	<u> X </u> no
Sewers	<u> X </u> yes	<u> </u> no
Septic	<u> </u> yes	<u> X </u> no
Water	<u> X </u> yes	<u> </u> no
Gen. Plan Conformance	<u> X </u> yes	<u> </u> no
Land Use Compatibility	<u> X </u> yes	<u> </u> no

Development Standards per the San Elijo Hills Specific Plan for Area O

<u>Setbacks</u>	<u>Required</u>	<u>Minimum Standards Proposed</u>
Front	*25 ft.	*25 feet
Rear	30 ft.	30 feet
Side	5 ft.	5 feet
Building Height	35 ft.	35 feet

*In accordance with the 2005 modification to the San Elijo Hills Specific Plan, Lots 1, 2, and 3 of Unit 7 have been approved to have a reduced front yard setback of 15 feet.

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ATTACHMENT F
Photo Simulations

RESOLUTION PC 17-4618

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A SITE DEVELOPMENT PLAN TO CONSTRUCT SIXTEEN (16) SINGLE FAMILY RESIDENTIAL HOMES IN UNIT 7 OF AREA "O" OF THE SAN ELIJO HILLS SPECIFIC PLAN AREA

SDP 17-001 (P17-0004)
Lennar Homes of California, Inc.

WHEREAS, on January 10, 2017, an application was received from Lennar Homes of California, Inc. requesting approval of a Site Development Plan to construct sixteen (16) single family residential homes in Unit 7 of Area "O" of the San Elijo Hills Specific Plan Area, more particularly described as:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, & 16 of Subdivision Map 16157 of San Marcos Tract No. 400, in the City of the San Marcos, County of San Diego, State of California, as filed in the Office of the County Recorder of San Diego County

WHEREAS, the required public hearing held on April 3, 2017 was duly advertised and held in the manner prescribed by law; and

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

WHEREAS, the property has been annexed into Community Facility District (CFD) 98-02: Lighting, Landscape and Street Maintenance, CFD 98-01: Police Only, and CFD 2001-01: Fire and Paramedic; and

WHEREAS, the project is within the scope of the Final Subsequent Environmental Impact Report (FSEIR) for the San Elijo Hills Specific Plan (SEHSP) and 2005 Addendum to the FSEIR for the SEHSP pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the 2005 modification to the San Elijo Hills Specific Plan requires Area O to be reviewed by the City's Planning Commission as a consent item; and

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

- A. The project conforms to the General Plan and the San Elijo Hills Specific Plan (SP 89-18 - 2004 Mod.).
- B. The project will not remove trees and/or natural vegetation because the site has already been graded. Although completed grading operations have removed some natural vegetation and trees, the revegetation program in the San Elijo Hills Specific Plan has

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been implemented to reduce the visual and biological impact of grading operations adjacent to undisturbed open space. The revegetation program, when combined with the use of contour-grading principles, will result in blending of the revegetated manufactured slopes with surrounding undisturbed terrain.

- C. The project will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting.
- D. The project is located in an area with adequate buffering between residential and non-residential uses, and in the best interests of the public health, safety, and general welfare.
- E. All structures and landscaping within the project area are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site. All homes will be located on lots in conformance with the San Elijo Hills Specific Plan.
- F. All structures and landscaping 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.
- G. The architectural design of the homes is consistent with the character and scale of existing buildings in the San Elijo Hills Specific Plan Area and will be visually harmonious with surrounding development.
- H. The project provides all required on-site and off-site public improvements, in compliance with City adopted Design Manuals and guidelines, as deemed necessary by the review authority.
- I. The project provides open space area and landscaping consistent with the San Elijo Hills Specific Plan in a manner that visually enhances the physical use of all properties within the project area.

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 Subsequent Environmental Impact Report (FSEIR) for the San Elijo Hills Specific Plan Area and 2005 Addendum to the FSEIR for the San Elijo Hills Specific Plan Area pursuant to the California Environmental Quality Act (CEQA).
- C. The Site Development Plan is approved per the submitted plans City date stamped March 21, 2017 and subject to compliance with the following conditions:
 - 1. Within thirty (30) days of the approval of Site Development Plan 17-001, 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 17-4618." 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.

2. The Applicant/Developer must comply with all applicable San Elijo Hills Specific Plan Mitigation Monitoring Program measures as outlined in the Final Subsequent Environmental Impact Report (FSEIR) for the San Elijo Hills Specific Plan Area and the 2005 Addendum to the (FSEIR) for the San Elijo Hills Specific Plan Area.
 3. The project must comply with all applicable development standards and design guidelines contained in the San Elijo Hills Specific Plan per Area O regulations relative to site design, density, landscaping, architecture, visual quality, and site amenities.
 4. Applicant/Developer must 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.
 5. The Applicant/Developer must comply with all applicable conditions as set forth in Tentative Subdivision Map (TSM) 400.
 6. Minor architectural adjustments to the approved Site Development Plan may be reviewed and processed administratively with the Planning and Engineering Divisions. Refinements to approved plans must be included within building envelopes on the approved Site Development Plan (SDP 17-001).
 7. The Applicant/Developer must comply with all terms and obligations as stated in the adopted Development Agreement and Owner Participation Agreement for the San Elijo Hills Specific Plan Area.
- D. Prior to issuance of any building permit, the following conditions must be complied with:
1. A phasing plan shall be submitted to Development Services Department for review and approval. The phasing plan must 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.

2. 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.
3. 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.
4. Residential structures must be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten crime prevention measures are as follows:
 - a. Exterior doorjambs shall be installed with solid materials, i.e. full trimmers and king studs, for 6 inches away from the strike edge of the door. This prevents prying and jamb spreading, affording easy access.
 - b. Door stops on wooden jambs shall be one-piece construction or substantially fastened to the jamb to prevent easy access to the locking device.
 - c. Strike plates for deadbolts on wood framed door jambs shall be 16 gauge steel or equal, attached with two screws penetrating two inches into solid backing. Door guards, or armored plates, attached to the door with four 2-inch to 4-inch screws add protection against destruction of the wood around the deadbolt.
 - d. Louvered windows are to be avoided, unless 12 feet above ground level and 6 feet horizontally from an accessible surface, i.e. balcony, landing or stair tread.
 - e. Locking hardware for garage doors shall be mounted on 2 inch solid backing or frame members. Carriage bolts or equal are required to prevent removal of the hardware.
 - f. Garage doors exceeding 14 feet in width shall have two locking devices.
 - g. All exterior doors, including doors from the garage to the side yard, shall be 1 ¾ inch solid wood or solid core construction.
 - h. All glass within 40 inches of any door lock shall be laminated safety glass or burglary resistant glass.
 - i. Solid wood doors shall have a wide angel 180-degree peephole.
 - j. Street addresses shall be prominently displayed on the curb face in a direct line with the front door and on the building wall closest to the street.

5. 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.
6. All Public Facilities Fees, as established by the Development Agreement, shall be paid in full.
7. All homes must be designed with non-reflective and non-glare glass.
8. All mechanical equipment for homes (i.e. air conditioning units, water meters, etc.) must be architecturally screened from the street and offsite locations by use of strategic placement, fencing, thick landscaping, or other architectural features as approved by the Planning Division.
9. The Applicant/Developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The developer shall inform the new owners that they own the mailboxes and are responsible for replacement.
10. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
11. The proposed development must comply with the latest adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards.
12. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance.
13. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
14. All roof drains must be designed for 2-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge. Interceptor drains shall be installed along the top of all cut slopes as shown on the approved grading plans. Yard drains shall be installed in rear and side yards as shown on the approved plot plans.
15. CC&R's and deed restrictions for Planning Area O, Unit 7, shall be submitted to the Development Services Department and must include the following items:
 - a. Restrictions shall apply to future landscaping planted by the resident or Homeowners Association (HOA) within Area O. Prior to any changes to

existing landscaping on a residential lot, the owner must submit a landscape plan for review and approval by both the San Elijo Review Board and the City of San Marcos Developmental Services Department. Pending that review, the determination will reject or conditionally approve said request for any landscape changes.

- b. The San Marcos Fire Marshal has approved Area O under a Brush Management Plan. Prior to any future changes by the resident or HOA to any certified pad, or expansion of the existing structure, or any other change involving increase in combustible material, said future change will require in advance, review and approval by the San Marcos Fire Marshal.
 - c. All exterior lighting for residential structures, street lights and any other ancillary light fixtures proposed by the homeowner or HOA will be restricted to light emitting diode (LED) except for low watt architectural accent lighting to be approved by the Development Services Department. Prior to installation of any new exterior lighting, said lighting shall be subject to review and approval of the Developmental Services Department.
 - d. Structures must be finished with earth tone colors to compliment the hillside. Change or deviation from original exterior colors of residential structure beyond earth-tone is prohibited.
 - e. Future addition or replacement of windows must consist of non reflective and non-glare glass.
 - f. The minimum distance between habitable space for all homes is 30 feet.
 - g. Lots 1-9 of Unit 7, no structures (i.e. patios, pools, decks, casitas, etc.) are permitted beyond the approved edge of pad per Grading Plan (GP) 2285.
- 16. All garages must be designed with roll-up doors with architectural details (panels & trim) that compliment that particular architectural style in accordance with the approved plans.
 - 17. An exhibit demonstrating a sufficient turning radius for all swing garages must be submitted to the Engineering Division for review and approval.
 - 18. The Developer/Applicant shall provide proof of implementation of the San Elijo Ranch Brush Management Plan for all exterior slopes. The Brush Management Plan shall be updated over time to maintain a 100-foot setback for all future decks, verandas, and room additions, for approval by the Planning Division Manager. The 100-foot firebreak measurement was based on taking the measurement from the top edge of the down slope of the residential pad towards the open space. Prior to construction or issuance of a permit for any future residential expansion involving combustible material, said project is subject for

reviewed by Development Services and the Fire Marshal to determine if Fuel Management Plan will require a revision.

19. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. Provide a copy of building plans in Geo-Referenced format to be used by fire dept. for pre-fire planning purposes. Information shall specifically include a site plan, building plan, all Utility shut-offs, fire sprinkler risers and shut-off valves, the fire department connection for sprinkler and class-I standpipe, all standpipe hose outlets, all stairwells, retail spaces, living units -numbers /locations, fire alarm panels, elevators, fire hydrants and all Knox boxes and key switch locations. The following shall be used:

Coordinate	System	Name:
NAD_1983_StatePlane_California_VI_FIPS_0406_Feet		
20. The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) is in substantial conformance with the approved plans, reports, and standards.
21. The project must be designed in accordance with the following Fire Department requirements:
 - a. Signs reading "NO PARKING FIRE LANE" are required on Jasper Court. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by the California Vehicle Code, section 22500.1, 22658(a) and San Marcos Fire Department Standards as per Improvement Plan (IP) 16-00007 (Unit 7).
 - b. New residential dwelling units and structures must be designed using state fire marshal standards for fire resistive construction features per 2013 CBC, Chapter 7A. Design will be reviewed by Fire Department.
 - c. New dwellings are required to be designed using State Fire Marshal standards for fire resistive construction features per 2016 California Building Code, Chapter 7A. This includes, but is not limited to Class-A roof, non-combustible exterior walls, dual pane windows (outer pane made of tempered glass), and ember resistant vents (Brandguard or equivalent).
 - d. Automatic fire extinguishing systems are required in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance for all single family residences and structures. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal. At least one (1) fire sprinkler head is required in the attic if a fuel fired appliance is installed in the attic.

22. The Applicant/Developer must submit final house square footages to the City's Finance Department.
 23. The City sewer lateral line shall be relocated into the easement between lots 10 and 11 prior to issuance of any building permits.
- E. The landscape and fencing plan are subject to final review and approval to confirm consistency with the California Model Water Efficiency Landscape Ordinance, Brush Management Plan and San Elijo Specific Plan. The applicant must pay all applicable landscape plan check fees at the rate of 4.5% of the approved landscape construction cost estimate. All proposed wood fencing within 5 feet of a residential structure must be fire-retardant. All fire retardant treatment of wood must occur at an offsite location within an approved wood treatment facility. No onsite treatment of wood is permitted. Fire retardant treated wood must be tested in accordance with American Society for Testing and Materials (ASTM) D 2898, "Standard Practice for Accelerated Weathering of Fire-Retardant Treated Wood for Fire Testing (Method A)" and the requirements of Section 2303.2 of the California Building Code (CBC).
- F. Prior to delivery of combustible building construction materials to the project site; the following conditions must 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.
- G. During the construction phase, the following conditions shall be complied with:
1. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
 2. Applicant/Developer shall be responsible for bearing the costs of all 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.

3. The Applicant/Developer 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.
 4. 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. Dust and dust producing materials shall 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.
 6. The applicant/developer shall maintain public and private driveway access to neighboring businesses/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.
 7. The Applicant/Developer shall construct the erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (November 1 through April 1).
 8. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck-hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
- H. Prior to occupancy of any structure within the project area, the following conditions shall be complied with:
1. The proposed development shall satisfy the conditions of approval prior to the first occupancy of each phase. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

2. Deed Restrictions (see Conditions D.15.a-g) must be approved by the Development Services Department and filed with the San Diego County Clerk Recorders Office. Disclosure of the deed restriction must be supplied to all potential homebuyers.
 3. The Applicant/Developer shall ensure that prospective purchasers sign a disclosure identifying the property as being within the City's Community Facilities Districts for which there will be additional property tax assessments.
 4. All improvements shown on the improvement plans, as approved by the City Engineer, shall be constructed prior to release of any improvement securities and as specified in the Development Agreement for this project.
 5. Adequate disclosure of the Project shall be supplied to all potential homebuyers, indicating the location and orientation of the Regional Park and its amenities, the affordable housing in the Specific Plan Area, the lighting & landscape restrictions per the Specific Plan. The content of the disclosure is to be approved by the City Attorney.
 6. The Applicant/Developer shall post a security with the City in an amount approved by the City Engineer for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.
 7. 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.
- I. Any future lighting changes must comply with the lighting requirements for Area O of the San Elijo Hills Specific Plan by use of fully shielded lamps and other special measures to minimize glare. Prior to any future lighting changes, an exhibit shall be submitted to the Planning Division showing the exact location of all final street light fixtures and plotting of all residential footprint on each lot. The exhibit shall demonstrate that all light fixtures have been strategically placed and that light glare has been blocked from the valley floor on the north side of ridge. All exterior lighting standards must be enforced by the Homeowners Association.
- J. The Master Homeowners Association shall enforce the requirements of the Landscape Restricted Areas and Lighting Restricted Areas.
- K. 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.
- L. To the extent feasible and as permitted by law, developers and contractors are requested to

first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.

- M. This Site Development Plan shall become null and void one (1) year following the date upon which the plans and drawings were approved by the review authority unless, prior to the expiration of one (1) year, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- N. 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 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 3rd day of April, 2017, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

Steve Kildoo, Vice Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

AGENDA ITEM
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