

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE: August 21, 2017

SUBJECT: P14-0049/TSM 14-006/ND 17-001. Montiel Rd Partners LP. Proposed 9-lot Tentative Subdivision Map. APNs: 228-120-09-00 and 228-120-34-00.

Recommendation

Conditionally approve a Tentative Subdivision Map (TSM) for up to nine (9) single-family lots on a 2.7-acre property in the Single-Family Residential (R-1-10) Zone, and adoption of a Mitigated Negative Declaration (ND).

Introduction

The existing site is a 2.7-acre property located at 2110 Montiel Road which is east of Nordahl Road. The terrain of the property gradually slopes up from Montiel Road to the northern property line. The property is currently developed with a 1-story, single-family residence which will remain on site as Lot 1 of the proposed subdivision map. The garage of the existing residence will be reconstructed on the opposite side of the residence in order to provide adequate area for the subdivision's access street. The properties to the north, west, and east are developed with single-family residences and the property to south, across Montiel Road, is developed with a commercial center. Public comments from an adjacent neighbor are included in Attachment E.

Discussion

The subject site is zoned Single-Family Residential (R-1-10), and designated Very Low Density Residential (2.1 to 4.0 dwelling units per acre) per the General Plan. The yield for the proposed project is 3.3 dwelling units per acre which complies with the General Plan density. The site has an average slope of 9.97 percent; therefore, Section 20.300.040 of the Zoning Ordinance (SMMC Title 20) requires a minimum lot size of 10,000 square feet (net) for each lot. The project proposes lot sizes ranging from 10,003 square feet (net) to 10,034 square feet (net).

Architectural elevations are not currently proposed for the project because the future homes are not proposed to be constructed by the applicant. Therefore, the project is conditioned for the future builder to submit architectural elevations to the Planning Division for architectural review and approval

prior to issuance of grading permit. The resolution is conditioned for a minimum of three (3) distinct architectural styles for each floor plan. Spanish Colonial, Craftsman, Italianate, and Tuscan are typical architectural styles for single-family homes. In addition, each architectural style shall have additional enhancements on the front building elevation.

Future construction of the single-family residences will be required to comply with the development standards of the Zoning Ordinance (SMMC Title 20) for the Single-Family Residential (R-1-10) Zone including building setbacks, height limit, parking, etc. The proposed Tentative Subdivision Map includes a building setback exhibit showing the buildable pad area for each lot. Per Section 20.340.040 of the Zoning Ordinance (SMMC Title 20), each future residence will require a minimum 2-car garage for a residence up to 3,000 square feet in size, and a 3-car garage for a residence above 3,000 square feet. In addition, the project is conditioned to pay affordable housing in-lieu fees prior to issuance of building permits.

All manufactured slopes of the subdivision are required to be landscaped with a mixture of trees, shrubs, and ground cover to beautify the neighborhood, and the proposed retaining walls will be constructed of split-face, keystone, or similar textured block, and earth-tone colored to provide a more natural appearance. Landscaping will be required to comply with the City's Water Efficient Landscape Standards (SMMC Chapter 20.330). Landscaping of the off-site manufactured slope at the end of the cul-de-sac will be maintained by a Home Owners Association (HOA). A final fencing plan, in conjunction with landscape plans, will be required to be submitted for review and approval with a consistent type and style of fencing for the development.

A biology survey was prepared for the subject site to assess potential biological impacts by the proposed 9-lot subdivision. The site supports approximately 1.7 acres disturbed land and approximately 1.2 acres of urban/developed land. The disturbed land consists of a mosaic of bare ground and Filaree (*Erodium* spp.) as a ground cover with sparse shrubs. The urban/developed land includes the existing residence, pavement, and landscape species. The aforementioned vegetation categories are not considered sensitive habitat. In accordance with the Migratory Bird Treaty Act, there is the potential for nesting birds to occur within the existing vegetation of the vacant portion of the property. Therefore, a nesting survey will be required prior to any disturbance of the site if proposed during the nesting season.

A cultural resources study was prepared which analyzed potential prehistoric and historic resources on the subject property. The report indicates there are several archaeological sites within a one-mile vicinity, but no sites have been previously recorded on the property. A field survey was conducted by the consultant that identified no evidence for prehistoric resources on site. In addition, the report investigated the potential for any historic resources on the property, and indicates the subject 2.7-acre

property was originally part of a 41-acre parcel owned by J.C. Montiel who was an early 1900's land owner and speculator. There is no evidence that J.C. Montiel constructed a residence or made improvements to that portion of his land now encompassed by the subject property which is currently developed with a 1-story, single-family residence constructed in 1959. Under CEQA, structures more than 50 years old are eligible for the California Register of Historical Resources (CRHR). The existing residence is a common vernacular stucco structure typical of the late 1950's and 1960's. The building is 1,130 square feet with 3-bedrooms and 2-bathrooms and includes an attached 2-car garage. The lack of character-defining features and lack of unique materials or association with a master artisan/architect are all factors that do not support architectural significance under CEQA. Although the subject property was originally part of a larger parcel that can be associated with an early 1900's land owner, the existing residence is not associated with historically significant persons nor notable events in the history of San Marcos or the region. Based on available information, the existing residence is not eligible for inclusion on the CRHR and is not considered significant historical resources under CEQA. Even though no significant prehistoric or historic cultural resources were found during the field survey of the property, there is the potential for subsurface resources to exist. Therefore, all ground-disturbing work for the project will be required to be monitored by an archaeologist and Native American observer. Prior to beginning project grading or any disturbance of the site, the applicant will be required to enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseno Tribe for on-site monitoring. As part of the CEQA review process, local tribal agencies were notified of the proposed project in accordance with State Assembly Bill (AB 52).

According to the noise study prepared for the project, traffic noise generated from Montiel Road and State Route 78 may potentially impact exterior noise levels in the rear yards of the proposed subdivision. The report estimates the potential traffic noise levels to range from 61.2 dB CNEL within the rear yard of proposed Lot 6 at the northeast corner of the property to 65.2 dB CNEL at proposed Lot 1 at the southwest corner of the property. Per the General Plan Noise Element, 60 dB CNEL is an acceptable exterior noise level for single-family residences. In order to mitigate for potential exterior noise impacts to a level below significance, minimum six (6) foot high sound attenuation walls will be required to be installed for the rear yards of the proposed single-family lots to reduce potential noise levels to 60 dB or less. Therefore with the incorporation of the sound walls, exterior noise levels within the rear yards of the proposed lots will not exceed the threshold. In addition, the Noise Element specifies interior noise levels must not exceed 45 dBA for single-family residences. The California Building Code requires the future residences to be constructed to comply with this standard.

Project related noise sources, such as vehicles arriving and leaving, children at play, and landscape maintenance machinery, would be consistent with the single-family residential development to the north, west, and east. The noise study estimates potential noise levels for the anticipated HVAC

equipment for the future single-family residences to comply with the noise limits of 50 dB and 60 dB CNEL during nighttime and daytime hours, respectively, at surrounding property lines.

Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), this project will generate an additional 80 Average Daily Trips (8 units x 10 trips per unit = 80 ADT) as a result of building eight (8) new residences on the subject property. It is estimated the existing residence on site currently generates 10 ADT. Due to the size of the development, the increase in ADT is negligible and no greater than anticipated by the General Plan for the area. The subject property is currently bisected by an approximately 20-foot wide paved private road which provides access to an existing single-family residence to the north and two (2) existing residences on the east side of the private road where it connects to Montiel Road. The proposed subdivision will replace the existing private road with "Street A" which will provide access to the 9-lot subdivision and the three (3) adjacent residences. "Street A" will consist of 40-foot wide pavement with sidewalk on both sides, and will end with a cul-de-sac which provides adequate turn-around for emergency vehicles. "Street A" will be privately maintained by a Home Owners Association (HOA).

In order to comply with the City's Storm Water Management Regulations, the project proposes low impact site-design Best Management Practices (BMPs) which includes natural infiltration into landscape areas and a bio-retention basin located along Montiel Road and an underground vault. The basin will be landscaped in accordance with the water quality improvement plans. Construction BMPs will be required as well. A Home Owners Association (HOA) will be required to maintain the bio-retention basin and underground vault storm water system.

Sewer and water services for the proposed project will be provided by the Vallecitos Water District (VWD). Annexation of the property into their Sewer Improvement District will be required by VWD. In addition, the adjacent property to the north will also be required to annex into the sewer district since the proposal will also provide a sewer connection to that property via Street "A" of the subdivision. This annexation does not require LAFCO approval. A water and sewer study was prepared by VWD which determined that adequate water storage, wastewater treatment/disposal, and land outfall capacities exist at this time. The developer will be required to install or pay a fee toward the upgrading of sections of sewer pipeline or portions thereof as determined by VWD as follows: 1) Approximately 1,895 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way beginning at Center Drive to accommodate increased flow; and 2) Approximately 917 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way to avoid restrictions in the pipeline. As a potential alternative to the aforementioned improvements, a contribution as determined by VWD may be required to be paid by the applicant for installation, or a

portion thereof, of the proposed Montiel Gravity Outfall which is a pipeline linking the Montiel sewer shed's collection infrastructure to the collection system in Mission Road south of State Route 78 in the City of Escondido.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (ND 17-001) was prepared by the City for the proposed project, and circulated for public review from July 11, 2017 to August 1, 2017. One comment was received after the close of the MND public review period from the San Luis Rey Band of Mission Indians which concurred with the MND mitigation for cultural resources, and is included in Attachment E.

Public Comment

Staff received comments from an adjacent neighbor which are included in Attachment E. The neighbor expressed concerns regarding the project density, traffic, grading, drainage, and water usage. Staff responses to the neighbor's comments are included within the emails.

Attachment(s)

Adopting Resolution: PC 17-4633

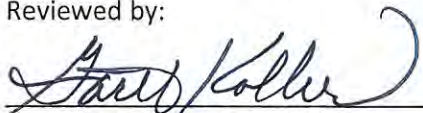
- A. Vicinity Map
- B. Requested Entitlement
- C. Site & Project Characteristics
- D. Negative Declaration
- E. Public Comments

Prepared by:



Norm Pedersen, Associate Planner

Reviewed by:



Garth Koller, Principal Planner

Reviewed by:



Peter Kuey, Principal Civil Engineer

Approved by:



Karen Brindley, Planning Division Manager

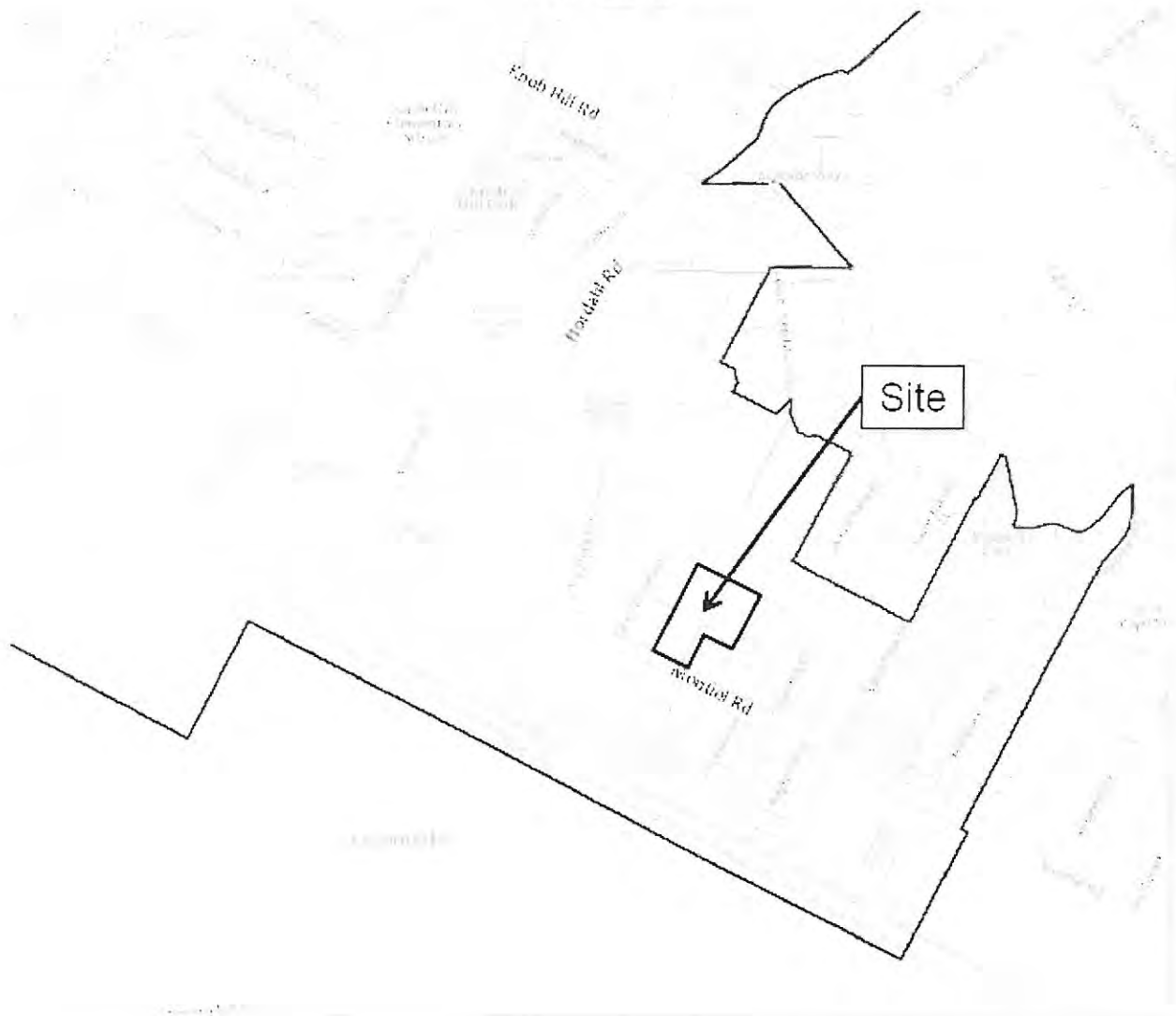
Submitted by:



Dahvia Lynch, Development Services Director

ATTACHMENT A

Vicinity Map



VICINITY MAP

P14-0049: Montiel Rd Partners
Location: 2110 Montiel Road
APNs: 228-120-09 & 228-120-34

ATTACHMENT B Requested Entitlements

- A Tentative Subdivision Map (TSM) to allow for the development of up to nine (9) single-family lots within the Single-Family Residential (R-1-10) Zone, and adoption of Mitigated Negative Declaration (ND 17-001).

ATTACHMENT C Site & Project Characteristics

<u>Property</u>	<u>Existing</u> <u>Land use</u>	<u>Zoning</u>	<u>General Plan</u> <u>Designation</u>
Subject	Single-Family Residence	R-1-10	Very Low Density Residential (2.1-4.0 du/ac)
North	Single-Family Residence	R-1-10	Very Low Density Residential (2.1-4.0 du/ac)
South	Commercial Center	SPA	Specific Plan Area
East	Single-Family Residence	R-1-10	Very Low Density Residential (2.1-4.0 du/ac)
West	Single-Family Residence	R-1-10	Very Low Density Residential (2.1-4.0 du/ac)

Flood Hazard Zone	☐ yes ☒ no
Resource Conserv. Area	☐ yes ☒ no
Sewers	☒ * yes ☐ no
Septic	☐ yes ☒ no
Water	☒ yes ☐ no
Gen. Plan Conformance	☒ yes ☐ no
Land Use Compatibility	☒ yes ☐ no

* Requires annexation into VWD Sewer Improvement District.

ATTACHMENT D
Negative Declaration 17-001

ATTACHMENT E Public Comments

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081

760-724-8505 • FAX 760-724-2172

www.slrmissionindians.org

August 3, 2017

Norm Pedersen
Associate Planner
Planning Division
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069-2918

VIA ELECTRONIC MAIL
npedersen@san-marcos.net

RE: COMMENTS ON THE NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION FOR THE MONTIEL
ROAD PARTNERS PROJECT (P14-0049/TSM 14-006/ND 17-001)

Dear Mr. Pedersen:

We, the San Luis Rey Band of Mission Indians ("Tribe") thank you for the opportunity to submit the following comments regarding the Montiel Road Partners Mitigated Negative Declaration ("MND") hereinafter referred to as the Montiel Road Project ("Project"). As you are aware, we are a northern San Diego County Tribe whose traditional and culturally affiliated territory includes the current cities of Oceanside, Carlsbad, Vista, San Marcos and Escondido, as well as the unincorporated areas in northern San Diego County, such as the communities of Fallbrook and Bonsall. We are resolute in the preservation and protection of all tribal cultural resources within these jurisdictions.

The Tribe has reviewed the Project's MND and all of its supporting documentation as it pertains specifically to the protection and preservation of Luiseño tribal cultural resources that may be located within the parameters of the Project's property boundaries. The Tribe has independently visited the site, as well as performed a search of our own Sacred Lands Inventory for the Project Location, and has consulted extensively with City of San Marcos staff about the Project. We concur with the City's determination that Native American and archaeological monitoring is appropriate for this Project Location given the potential for inadvertent discoveries of subsurface tribal cultural resources.

Therefore, the Tribe is satisfied, and concurs, with the proposed tribal cultural resource mitigation measures contained within the MND.

San Luis Rey Band of Mission Indians Comment Letter
Mitigated Negative Declaration for the Montiel Road Partners Project
City of San Marcos

The San Luis Rey Band of Mission Indians appreciates this opportunity to provide the City of San Marcos with our comments on the Montiel Road Partners Project. As stated above, the Tribe is satisfied with the mitigation measures for tribal cultural resources as proposed in the MND. As always, we look forward to working with the City to guarantee that the requirements of the CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño tribal cultural resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Merri Lopez-Keifer". The signature is fluid and cursive, with the first name "Merri" being more prominent.

Merri Lopez-Keifer
Tribal Legal Counsel

cc: Mel Vernon, SLR Captain
Carmen Mojado, SLR Secretary of Government Relations and President of
Saving Sacred Sites

From: Pedersen, Norman
To: "Allison Ramirez"
CC: Clapp, Lewis; Desmond, Jim
Subject: RE: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP
Date: Wednesday, September 28, 2016 8:23:00 AM

Allison,

Thanks for your email.

For San Marcos, the Vallecitos Water District is the agency that reviews proposed projects for water and sewer service. The developer for the project will be required to obtain all necessary approvals from VWD for this service. VWD has indicated to the City that adequate water supply is available for the proposed project.

If you have questions regarding water availability, please discuss with VWD.

Thanks

Norm Pedersen

Associate Planner

City of San Marcos Planning Division

760.744.1050 x3236

npedersen@san-marcos.net

From: Allison Ramirez [<mailto:allison.m.ramirez@gmail.com>]
Sent: Tuesday, September 27, 2016 9:43 AM
To: Pedersen, Norman
CC: Clapp, Lewis; Desmond, Jim
Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Hi Norm,

That makes all sense now, how confusing, my apologies for my RANT - thanks for clarifying everything, much appreciated.

Also thanks for the update, or shall I say no new update to the project located adjacent to my property.

To your comment to contact VWD, it would make more sense that the local agencies work together for the common goal, its seems to defeat the purpose of telling residents to conserve water when these same agencies themselves are contributing far worse to the problem by allowing permit issuance for more development when our State/City/County are in this much of a drought, please correct me if I am wrong though!

Thank you.
Allison Ramirez

On Mon, Sep 26, 2016 at 3:34 PM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:

AGENDA ITEM
3

Allison,

Thanks for your email.

The project scheduled for Planning Commission on October 3rd is not the proposed 9-lot subdivision adjacent to your property. It is a hearing for another project on Montiel Road, east of Bennett Avenue.

The proposed subdivision, adjacent to your property, is still going through the review process with the City. In the future, you will receive notices for when the environmental document is available for public review and when the project is ready to proceed to a Planning Commission hearing. Those dates have not been scheduled at this time.

Construction plans also require approval by the Vallecitos Water District. If you have concerns regarding issuance of permits during a drought, please contact VWD regarding their permit issuance process for water meters.

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

Thanks

Norm Pedersen

Associate Planner

City of San Marcos Planning Division

760.744.1050 x3236

npedersen@san-marcos.net

From: Allison Ramirez [mailto:allison.m.ramirez@gmail.com]

Sent: Monday, September 26, 2016 1:21 PM

To: Pedersen, Norman

Cc: Clapp, Lewis; Desmond, Jim

Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Norm - Planning Commissions,

I would like an full explanation on why I was NOT notified via-mail of the Public Hearing on 10/3, I am a resident in the surrounding area of the said Project No. P15-0048 (ex 16-036) Montiel Road. The City of San Marcos is required to provide appropriate notice to the surrounding neighbors for their ability to attend and voice their concerns, did something change, was I purposely left off this list of notices - since I am against the project and have been since they filed for application 2014?

To think the City will allow throwing in the amount of PERSONS in a small compacted area will not create a nightmare of traffic, noise, unsettling a neighborhood since 1969, something of which this environmental report is stating no significant effects in traffic, noise, etc., do the tenants not plan on having any vehicles, why are we issuing permits and increasing the water usage when I have to conserve, has no one in the City of San Marcos traveled near this project at Montiel/Nordahl and to think that this add wouldn't do any harm, that's just

insane!!!

I look forward to your response and apology for missing my mail, I am sure other city officials within San Marcos wouldn't be happy to know you took me off the notifications for un-known reasons.

I am a property tax paying, law abiding citizen of the City of San Marcos and have been since 1978, I have lots to tell you on 10/3 @ 6:30 pm.

Safety is # 1 for me, my family, and my neighbors, this project would ruin that for us!

On Wed, Mar 25, 2015 at 4:38 PM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Allison,

Thanks for your email. Sorry for the delay.

To give you an update, the project application is still considered "incomplete". The applicant is currently addressing comments by City staff.

Regarding your comments, please see the following responses:

1. Still NO retaining walls on the WEST or EAST side of the project, only drainage, how do they propose those drainage systems stay in place with the constant movement of the earth/dirt.

After a Tentative Subdivision Map is approved, the applicant or developer then submits a grading plan to the City for review and issuance of a grading permit. At such time, the grading plan will be reviewed to address storm water runoff during construction. Perimeter brow ditches are proposed to direct the runoff towards Montiel Road which will be reviewed for design and sizing during the grading plan review process.

2. Drainage on the EAST side of the project stops and re-routes above the "existing homes" *that's a potential flood problem waiting to happen.

The Tentative Subdivision Map shows conceptually how the project site would be graded and how it will convey drainage. The proposed perimeter brow ditches will be reviewed for design and sizing during the grading plan review process to ensure runoff will be adequately conveyed.

3. Map shows very little/partial sidewalks, but nothing for a safe crossing or intersection (we all know there are NO sidewalks on the NORTH side of Montiel road until you get to the Park, not even a dirt walk way).

The applicant is responsible to improve their property frontage to ultimate standards, so sidewalk is only required along Lot 1 on Montiel Road and the proposed Street A. Any future development projects along Montiel Road would also be required to install sidewalks.

4. I would like to know more about the grading next to my property more so about the graded slope on lot 5 to the east of my property (228-120-30)

Grading is not currently shown on offsite properties. A letter of permission would be necessary from any property owner if grading would occur on his/her property. Any letter of permission would be required to be submitted during the grading plan review process.

5. Is this "project" under a discretionary permit?

Review of a Tentative Subdivision Map is a discretionary review process. The entitlement to subdivide the property requires approval by the Planning Commission. After a TSM is approved, the applicant or developer would then submit a final map and grading, improvement, and building plans to the City for ministerial review and issuance of permits.

6. What type of homes are planned for this development, single or 2nd story?

The subject property is zoned Single-Family Residential (R-1-10) which allows for homes up to 2 stories in height. The applicant does not plan to build the homes, but just process the entitlement. A home builder would then process construction plans to build the homes. It is unknown at this time whether all the homes would be 1 or 2 stories or a combination thereof.

7. In reference to the offsite grading, I noticed the date is not filled in, which would indicate to me they do not have permission?

Any letters of permission for offsite grading would need to be submitted during the grading plan review process.

8. Have they submitted a traffic plan or study?

It is estimated that the proposed project would generate 80 average daily trips (ADT). This

amount of ADT is well below the threshold needed to require a traffic study.

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

Thanks

Norm Pedersen
Associate Planner

City of San Marcos Planning Division

760.744.1050 x3236

npedersen@san-marcos.net

From: Allison Ramirez [mailto:allison.m.ramirez@gmail.com]

Sent: Wednesday, March 25, 2015 11:10 AM

To: Pedersen, Norman

Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Hi Norm,

Just wanted to check in with you, how did the Engineering review go?

Are you able to respond to my previous comments/questions?

Thank you,
Allison Ramirez
746 Cerro Bonita
San Marcos, CA 92069
(760.807.4490)

On Mon, Mar 2, 2015 at 3:24 PM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Allison,

Hope you had a good weekend.

I did receive your email. Thank you for your comments.

They are currently being reviewed by Engineering, and I will try to have a response for you sometime this week.

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

Thanks

Norm Pedersen

Associate Planner

City of San Marcos Planning Division

[760.744.1050](tel:760.744.1050) x3236

npedersen@san-marcos.net

From: Allison Ramirez [<mailto:allison.m.ramirez@gmail.com>]

Sent: Thursday, February 26, 2015 8:14 AM

To: Pedersen, Norman

Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Hi Norm,

Just wanted to make sure you received my last email 2/19, hadn't seen a response yet, hope all is well, I bet you are busy?

Thank you,

Allison Ramirez

746 Cerro Bonita

San Marcos, CA 92069

([760.807.4490](tel:760.807.4490))

On Thu, Feb 19, 2015 at 3:00 PM, Allison Ramirez <allison.m.ramirez@gmail.com> wrote:
Hi Norm,

I have a couple of questions to the "tentative map" I reviewed 2/18

I noticed there are a few items shown that I am a bit nervous about;

Still NO retaining walls on the WEST or EAST side of the project, only drainage, how do they propose those drainage systems stay in place with the constant movement of the earth/dirt.

Drainage on the EAST side of the project stops and re-routes above the "existing homes"
*that's a potential flood problem waiting to happen.

Map shows very little/partial sidewalks, but nothing for a safe crossing or intersection (we all

know there are NO sidewalks on the NORTH side of Montiel road until you get to the Park, not even a dirt walk way).

I would like to know more about the grading next to my property more so about the graded slope on lot 5 to the east of my property (228-120-30)

Is this "project" under a discretionary permit?

What type of homes are planned for this development, single or 2nd story?

In reference to the offsite grading, I noticed the date is not filled in, which would indicate to me they do not have permission?

I am not sure what else they have submitted, but if any of my questions can be answered by a review, please let me know, I am happy to stop by again.

Have they submitted a traffic plan or study?

Let me know, thanks for making the maps available to me, I appreciate your support.

Thank you,
Allison Ramirez
746 Cerro Bonita
San Marcos, CA 92069

On Thu, Feb 12, 2015 at 3:46 PM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Art Pinon is the counter planner, and he is available to show you the map.

From: Allison Ramirez [mailto:allison.m.ramirez@gmail.com]
Sent: Thursday, February 12, 2015 11:56 AM
To: Pedersen, Norman
Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

That's a bummer, Wednesday is the only day I have with my work schedule, will someone else show me the information in your absence?

Thank you,
Allison Ramirez
746 Cerro Bonita
San Marcos, CA 92069

On Thu, Feb 12, 2015 at 9:33 AM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Unfortunately, I have a presentation that afternoon. Can Tuesday or Thursday work for you?

From: Allison Ramirez [mailto:allison.m.ramirez@gmail.com]
Sent: Thursday, February 12, 2015 9:31 AM
To: Pedersen, Norman
Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Hi Norm,

Well that is disappointing on the 9 lots, its just way too much in that space, and just doesn't go with the surrounding community.

I will stop by Wednesday, February 18 after 3:00 pm, see you then?

Thank you,
Allison & Martin Ramirez
746 Cerro Bonita
San Marcos, CA 92069
(760.807.4490)

On Thu, Feb 12, 2015 at 9:02 AM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Allison,

Yes, tomorrow is the City's closed Friday and Monday we are closed for Presidents Day. If you would like to meet at the counter sometime next week to look at the map, please let me know. The applicant still proposes a 9-lot subdivision. If you have any questions, please feel free to contact me.

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
[760.744.1050 x3236](tel:760.744.1050)
npedersen@san-marcos.net

From: Allison Ramirez [<mailto:allison.m.ramirez@gmail.com>]
Sent: Wednesday, February 11, 2015 11:11 AM
To: Pedersen, Norman
Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Hi Norm,

Thanks for your response, I would like to come in to the City and see what they submitted. Are you CLOSED Friday & Monday? I will most likely come by next week, I will confirm for you what day & time. Any way to tell me if they are still planning (9) homes, or has this been reduced?

Thank you,
Allison Ramirez
746 Cerro Bonita
San Marcos, CA 92069
(760.807.4490)

On Tue, Feb 10, 2015 at 11:11 AM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Allison,

Thanks for your email.

A revised subdivision map has now been submitted by the project applicant. However, the submitted information has not been reviewed by City staff as of yet.

If interested, you are welcome to come by City Hall and view the revised map that has been submitted. If you have any questions, please feel free to contact me.

Thanks

Norm Pedersen

Associate Planner

City of San Marcos Planning Division

760.744.1050 x3236

npedersen@san-marcos.net

From: Allison Ramirez [<mailto:allison.m.ramirez@gmail.com>]

Sent: Friday, February 06, 2015 10:25 AM

To: Pedersen, Norman

Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Hi Norm,

Just checking in on anything NEW being submitted.

Look forward to your response.

Thank you,

Allison Ramirez

746 Cerro Bonita

San Marcos, CA 92069

(760.807.4490)

On Fri, Jan 9, 2015 at 8:31 AM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Allison,

Thanks for your email. Christmas and New Years was good. I hope for you too.

Regarding the proposal....nothing new has been submitted. The application is still incomplete and in the applicant's court to address the comments from City staff.

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

Thanks

Norm Pedersen

Associate Planner

City of San Marcos Planning Division

760.744.1050 x3236

npedersen@san-marcos.net

From: Allison Ramirez [mailto:allison.m.ramirez@gmail.com]
Sent: Friday, January 09, 2015 8:17 AM
To: Pedersen, Norman
Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Hi Norm,

Happy New Year to you, hope you had a wonderful Holiday season!

Thought I would check in on the status of the "re-submittal", are we at a complete package now?

I look forward to your response.

Thank you,
Allison Ramirez
746 Cerro Bonita
San Marcos, CA 92069
(760.807.4490)

On Tue, Dec 2, 2014 at 4:52 PM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Allison,

Thanks for your email. Hope you had a good Thanksgiving.

The project is still incomplete. The project applicant is currently revising the map based on comments made by the City. Unfortunately, I don't have an estimated time of when they will be resubmitting, but you are welcome to check back periodically on the status. If you have any questions, please feel free to contact me.

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
[760.744.1050](tel:760.744.1050) x3236
npedersen@san-marcos.net

From: Allison Ramirez [mailto:allison.m.ramirez@gmail.com]
Sent: Tuesday, December 02, 2014 4:00 PM
To: Pedersen, Norman
Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Hi Norm,

Now that some time has passed, I was wondering if anything has changed since our last communication?

I didn't want to come to the office just yet, I want to be able to see all the information as it is reviewed and accepted by the Planning Division. Could you tell me if the project is still considered "incomplete" as you last stated?

I appreciate your response.

Thank you,
Allison Ramirez
746 Cerro Bonita
San Marcos, CA 92069
(760) 807-4490

On Tue, Oct 28, 2014 at 4:25 PM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Ms. Ramirez,

Thanks for your comments regarding the proposed project.
Your questions and comments will be reviewed and evaluated when the project proceeds forward through the review process. As previously mentioned, the project is currently considered "incomplete", so additional information is needed from the project applicant in order for City staff to continue project review. I am available to meet with you at the Planning Division counter to show you what is currently submitted for the proposal and answer any questions. Please come by at your earliest convenience or if you would like to schedule an appointment, please let me know when you would be available.

When the project applicant submits revised plans and the project is ready to proceed forward, City staff will conduct an environmental review of the project which will evaluate potential impacts. You will be notified (along with neighbors within the vicinity) when the draft environmental document is available for public review. In addition, you will be notified in the future when the project moves forward to a public hearing at Planning Commission. Since the project is still in the initial stage of the review process and is currently "incomplete", neither of these procedures have been scheduled at this time.

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

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
[760.744.1050](tel:760.744.1050) x3236
npedersen@san-marcos.net

From: Allison Ramirez [<mailto:allison.m.ramirez@gmail.com>]

Sent: Tuesday, October 28, 2014 7:43 AM

To: Pedersen, Norman; Desmond, Jim; Jones, Rebecca; Orlando, Chris; Jabara, Kristal; Jenkins, Sharon; Planning Commission

Subject: Re: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

Norm,

Thank you for your response, I do appreciate you taking the time to provide the minimal details as you did.

Although I am not sure I understand why the City sent the "neighbors" the notice providing details that are different then what you are providing now, size shown on the notice is 2.86 acres, you are now saying 2.6 acres, so which is it? Are they planning on developing just the one side or both sides of the property? I assume you are aware that there is a neighbor with an easement straight through this planned development, and I wonder how they feel about having at a minimum of 18 cars traveling the small access road (2 cars per home of 9 dwellings), only one way in & out, not very safe for emergencies.

Don't get me wrong, I am NOT opposed to development of the acres, what I am opposed to is my peace being disrupted by cramming 9 homes into such a small area directly behind my home, the surrounding homes acreage is as small as 1/4 to 1 acre lots or more, and that's just one home NOT this 2-4 dwellings per acre that's just too much...

So yes putting in a development is inevitable, but keeping it consistent with what is in its surroundings sounds like a much better plan, I hope that makes sense?

When I asked about the environmental report, I am looking to see the impact report from this project, this would describe what impact this development will/would have on the area surroundings (positive or negative), as well as describe the improvements the "developer" will be obligated to provide, such as sidewalks, retaining walls, sound walls, traffic plans, water, sewer, schools, etc.

I also would like to make sure prior to any grading, the surrounding homes are protected, and not just by the "orange construction fencing", I want to see plans for the install of retaining walls, drainage systems, fencing everything that will impact my home & my family –

Placement of fencing will be my requirement prior to any grading, I want as limited disruption as possible to my fur family & human family.

I plan to come to the counter and review what they have submitted thus far, please provide me with a detailed list of what has been submitted thus far.

What is the plan on the public hearing schedule?

Thank you in advance for your prompt response, it is much appreciated.

Allison & Martin Ramirez

746 Cerro Bonita
San Marcos, CA 92069

On Mon, Oct 27, 2014 at 4:22 PM, Pedersen, Norman <NPedersen@san-marcos.net> wrote:
Ms. Ramirez,

Thanks for your interest in the proposed 9-lot subdivision on Montiel Road. Sorry for the delay. The project proposes 9 single-family lots (including an existing residence at 2110 Montiel Rd) on 2.6 acres. The zoning of the property is R-1-10 which allows for single-family residential development at 2 to 4 dwelling units per acre (du/ac). The zoning allows for a minimum lot size of 10,000 square feet based on the overall average slope for the property.

The project application was recently submitted and is currently considered "incomplete". City staff will be requesting additional information from the applicant in order to continue processing. Since the project was just submitted and additional information is needed, the appropriate environmental review document has not yet been determined at this stage. Typically, a SWPPP is not submitted during the tentative map process, but would be reviewed when a grading plan is processed. However, a drainage study and water quality report have been submitted at this time.

You are welcome to come by City Hall to the Planning Division counter and review the proposed plans at your earliest convenience.

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

Thanks
Norm Pedersen
Associate Planner
City of San Marcos Planning Division
[760.744.1050](tel:760.744.1050) x3236
npedersen@san-marcos.net

From: Allison Ramirez [<mailto:allison.m.ramirez@gmail.com>]
Sent: Tuesday, October 21, 2014 9:00 AM
To: Pedersen, Norman
Subject: NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP

In reference to the NOTICE OF APPLICATION; P14-0049 (TSM 14-006); Applicant: Montiel Rd Partners LP, Location: 2110 Montiel Road, please accept this email transmission with my comments and concerns.

From what I read of this notice, "Montiel Rd Partners LP" is looking to develop the land that is adjacent to my property at 746 Cerro Bonita. This is my formal request; I would like to see a subdivision map? layout? I believe the current zoning for the area is R1, not R1-10?

Was an environmental impact report produced, what does the slope/density ratio provide, was a SWPPP provided? I would like to see a drainage plan - this will very much affect my property, what plans are in place to help with a already high rate of speed traveled Montiel Road, not only is the density to the project grossly exceeding the area in my opinion, I just don't think the development as presented fits in our neighborhood.

I look forward to your response, as well as providing me the plans, reports, etc.

Thank you,
Allison & Martin Ramirez
746 Cerro Bonita
San Marcos, CA 92069
(760.807.4490)

RESOLUTION PC 17-4633

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING
COMMISSION APPROVING A TENTATIVE SUBDIVISION
MAP FOR UP TO NINE (9) LOTS WITHIN THE SINGLE-
FAMILY RESIDENTIAL (R-1-10) ZONE

TSM 14-006
P14-0049
Montiel Rd Partners LP

WHEREAS, on October 7, 2014 an application was received from Montiel Rd Partners LP requesting approval of a Tentative Subdivision Map (TSM) for up to nine (9) single-family lots on a 2.7-acre site located at 2110 Montiel Road within the Single-Family Residential (R-1-10) Zone, more particularly described as:

Portion of Lot 3 of Block 6, Rancho Los Vallecitos de San Marcos,
in the City of San Marcos, County of San Diego, State of California,
according to map thereof No. 806, filed in the Office of the County
Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Numbers: 228-120-09-00 and 228-120-34-00.

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

WHEREAS, the required public hearing held on August 21, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-001) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission did consider said Tentative Subdivision Map and the recommendation by staff, the City Engineer, the Director of Public Health, the Director of the Department of Sanitation and Flood Control, and the Chief of the San Marcos Fire Protection District with respect thereto, and did determine that the conditions hereinafter are necessary to insure that the subdivision and the improvements thereof will conform with all ordinances, plans, rules, standards, and improvements and design requirements of the City of San Marcos; and

WHEREAS, the subdivider proposes to file a Final Map of said subdivision;

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

1. The Tentative Subdivision Map is in conformance with the goals, policies, and objectives of the General Plan in that it provides a single-family residential use in an

area of the City designated for single-family residences with a density not to exceed 3.3 dwelling units per acre.

2. The site is physically suitable for this type of subdivision and the proposed density of development is within the allowed density for the City's General Plan.
3. The design or improvements will not conflict with any easements acquired by the public at large for access.
4. The design of the subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.
5. The design of the subdivision and improvements will not cause significant unmitigated environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the environmental assessment prepared for the development.
6. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

- A. The foregoing recitals are true and correct.
- B. The Tentative Subdivision Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Mitigated Negative Declaration (ND 17-001) for this project is hereby adopted pursuant to the California Environmental Quality Act (CEQA).
- D. The Tentative Subdivision Map is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution.
- E. Within ten (10) days after the adoption of this resolution, any person who has written or spoken at the Planning Commission hearing may appeal the foregoing finding of this Commission to the City Council. No final map shall be approved, no grading permit issued, and no building permits issued for permits, other than temporary uses, until after the expiration of the tenth (10th) day following the adoption of this Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.
- F. The approval of this Tentative Subdivision Map shall expire within twenty-four (24) months from date of Planning Commission approval. The Final Map, conforming to this conditionally approved Tentative Subdivision Map, shall be filed with the City Council in

time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Subdivision Map and new processing of the map.

- G. Within thirty (30) days of the approval of the Tentative Subdivision Map (TSM 14-006), the final approved plans (i.e.: tentative subdivision map, landscape plans, etc.) shall be submitted as a digital file on a CD including this resolution as 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 17-4633." 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 final map, grading plan, improvement plan, or building permit submittal.

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 for the following: 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.
- I. Prior to recordation of Final Map, the following conditions shall be complied with:
1. The applicant/developer shall apply for a public improvement permit compliant with SMMC 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded by the conditions contained herein. The improvement plans shall include water and sewer improvements and be approved by the appropriate utility service district. All appropriate fees shall be paid for the processing of the permit.
 2. 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.
 3. The applicant/developer shall dedicate, to the City of San Marcos, easements and/or

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

4. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.
5. 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
 - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
 - c. CFD 2001-01 – Fire and Paramedic

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 developer may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

6. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to approval of the Final Map. The phasing plan may be subject to further conditions. 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.
7. The Final Map shall show the gross and net acreage of all parcels created. The minimum lot size (net) for the single-family lots is 10,000 square feet.
8. Side yards shall have a minimum of three (3) feet of level open space between the

building footprint and any slope or retaining wall in conjunction with the required building setback of ten (10) feet for a side yard in the Single-Family Residential (R-1-10) Zone.

9. The applicant/developer shall submit a traffic control plan to the Public Works Inspection Section for all phases of construction for approval by the City Engineer. Said plan shall include all traffic control devices including traffic signals as required.
10. Private Street "A" shall be offered for dedication by the applicant/developer to the City of San Marcos. The dedication for Private Street "A" shall be based on a right-of-way width of 60 feet.
11. 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.
12. Direct access rights to all residential parcels abutting Montiel Road shall be relinquished to the City on the Final Map.
13. Private easement reservations for storm water management facilities, drainage and maintenance shall be shown on the Final Map.
14. Lot lines shall be as near radial as possible to street right-of-way at cul-de-sacs and knuckles as possible, and shall not exceed more than ten (10) degrees from radial from right-of-way except as approved by the City Engineer.
15. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map. The names provided shall be subject to review and approval by the City's Street naming Committee.
16. The proposed private Street "A" is to be maintained through a "Private Road Maintenance Agreement". The individual property owners served by Private Street "A" shall enter into a recorded joint maintenance agreement to ensure adequate maintenance of all improvements within the boundaries of the private street and those improvements appurtenant to the street including storm water facilities.
17. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe the Home Owners Association (HOA) maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities.
18. A light emitting diode street lighting system shall be shown on the street improvement plans and is to be installed at locations specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street

Lighting Standards.

19. The street light(s) shall be shielded to direct light downward and reduce glare.
 20. Maintenance of private open space areas and slopes shall be the responsibility of an Individual Homeowners Association/Master Homeowners Association.
 21. All utilities fronting, abutting or within the project shall be undergrounded as shown on the tentative map with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.
 22. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.
 23. The subject property (APNs: 228-120-09-00 and 228-120-34-00) and the adjacent property to the north (APN: 228-120-33-00) shall be annexed by the Vallecitos Water District (VWD) into their Sewer Improvement District prior to Final Map approval.
 24. 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.
- J. Prior to issuance of a grading permit, the following conditions shall be complied with:
1. The applicant/developer shall submit for a grading permit in accordance with the San Marcos Municipal Code section 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
 2. All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.

3. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.
4. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
5. 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).
6. 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).
7. 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 storm water management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
8. 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.
9. Offsite drainage easements shall be dedicated and recorded to the applicant/developer.
10. Letter(s) of permission shall be obtained for offsite grading from the adjacent property owners.
11. Fire hydrants with an adequate water supply shall be installed at locations approved

by the San Marcos Fire Department. The hydrant for this project shall be placed between Lots 8 and 9 on the private road or as determined by the Fire Marshal. Hydrant type shall be Jones with one 4" & one 2 1/2" outlet. Fire flow requirement shall be minimum 1,500 gpm for two hours with a 20 psi residual pressure. Fire hydrants shall be in place, inspected by the Fire Department, and serviceable prior to delivery of combustible construction materials to the site.

12. Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15 to August 31. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.
13. All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
14. The applicant/developer shall submit conceptual architectural elevations with a minimum of three (3) distinct architectural styles for each floor plan to the Planning Division for architectural review and approval prior to issuance of grading permit. Typical features associated with the architectural style shall be represented on all sides of the building. In addition, each architectural style shall have additional enhancements on the front building elevation. The proposed residences shall be architectural compatible with each other and the surrounding neighborhood. The submittal shall include a color/materials board for the proposed residences.
15. Prior to issuance of grading permit, 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. In the event the project requires the import of fill onto the site, said material 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 then 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.
- 16. 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. Landscape plans shall incorporate all modifications as conditioned.

- b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
- c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
- d. At least one (1) street tree shall be installed in the front yard (outside of the right-of-way) of each lot.
- e. Plant material for all subdivision landscaping shall be fire and drought tolerant and acceptable for defensible space in fire prone areas as approved by the Fire Marshal. Landscape plans shall be reviewed and approved by the Fire Marshal.
- f. 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.
- g. 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 Water Quality Improvement Plans.
- h. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division and/or Landscape District Supervisor 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 and/or Landscape District Supervisor. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

- i. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, for the 9-lot tentative subdivision map 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, and shall not include chain link fencing. Vinyl and glass fencing/sound walls shall be constructed of durable and UV resistant materials. Glass sound walls shall be non-reflective and have a masonry block base. Material samples shall be submitted to the Planning Division for review and approval. Final fence/wall design shall be reviewed and approved by the Planning Division Manager.
 - j. Per the recommendations of the noise analysis, six (6) foot high sound attenuation walls shall be located along portions of the rear and southern side boundaries of the rear yards of the proposed lots as approved by the Planning Division Manager.
- K. Prior to issuance of any building permit, the following conditions shall be complied with:
 1. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
 2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 3. 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.
 4. 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: Reinforced door jambs; One piece door stops; 16-gauge strike plate for deadbolts; Locking hardware for garage doors; Two locking devices for wide garage doors; 1-3/4 inch solid exterior doors; Laminated safety glass; Wide angle peep hole for exterior doors; No louvered windows; and Address numbers easily visible from the street.
 5. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
 6. New dwellings shall be designed using State Fire Marshal standards for fire resistive construction features per 2016 CBC, Chapter 7A. Ember resistant style vents shall

be installed.

7. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.
8. 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.
9. 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.
10. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate what features are standard, limited, optional, or not available, and the point of construction by which they must be requested.
11. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
12. 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.
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. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
15. The project is approved as a single project with no phases. If phasing is desired, a phasing plan shall be submitted to the 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. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in Phase 1. 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.

16. Sewer and water utilities shall be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.
17. The future residences shall comply with the California Building Code regarding interior noise levels for single-family residential dwelling units.
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. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
21. Precise grading plans shall be incorporated into the building permit plan package(s).
22. 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.
23. The Final Map shall be recorded prior to issuance of any building permit.
24. Building plans shall acknowledge the location of storm water treatment and holding facilities. The building location(s) and associated loads may not influence the storm water facilities or interfere with access require to repair and/or maintain said facilities.
25. 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.

26. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, shall be paid in full.
 27. All exterior lighting shall comply with City standards for higher energy-efficient fixtures, except for low-wattage architectural lighting. All fixtures shall be approved by the City.
 28. Building address shall be clearly identified on plans 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.).
- L. During the construction phase, the following conditions shall be complied with:
1. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
 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.
 5. The project shall comply with Regional Air Quality Standards.
 6. 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.

7. 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.
8. During grading and construction operations, the applicant 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.
9. 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.

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

1. All landscaping for the slopes, bio-retention basin and street trees shall be installed according to the approved landscape plans, and inspected by the Planning Division for approval. Landscaping shall be established and flourishing in a healthy manner. The applicant/developer shall be responsible to contact the Planning Division for inspection. Said landscape areas, where applicable, shall not be transferred over to the responsibility of the Home Owners Association (HOA) until inspected and approved by the City.
2. The applicant/developer shall submit 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 Water Quality Technical Report, respectively.
3. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
4. Building address shall be clearly labeled for day and night-time emergency responses.
5. All applicable easements and agreements shall be recorded prior to occupancy.
6. As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.
7. The proposed development shall satisfy the conditions of approval prior to the first

occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

- N. The applicant/developer shall disclose to future residential owners of the proposed project that the property is located within the Airport Influence Area of McClellan-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).
- 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. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
- 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 run with the land and 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 21st day of August, 2017, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION