

RESOLUTION PC 11-4261

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A MIXED-USE DEVELOPMENT WITH 84 AFFORDABLE APARTMENT UNITS AND 6,490 SQUARE FEET OF COMMERCIAL RETAIL IN THE SPECIFIC PLAN AREA (SPA) ZONE IN THE RICHMAR NEIGHBORHOOD

MFSDP 09-50  
Hitzke Development Corporation

WHEREAS, on November 4, 2009 an application was received from Hitzke Development Corporation to allow the construction of a mixed-use development with 84 affordable apartment units, and 6,490 square feet of commercial retail, in conjunction with General Plan Amendment (GPA 09-107), Rezone (R 09-144), Specific Plan (SP 09-54), and Tentative Parcel Map (TPM 675), located on Chinaberry Lane, south of Autumn Drive, in the Specific Plan Area (SPA) Zone in the Richmar Neighborhood, more particularly described as:

Portion of Lot 11, Block 61 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Numbers: 220-130-18, 220-130-23, 220-130-28, 220-130-35, 220-130-36, 220-130-43, 220-130-62, 220-130-65, and 220-130-67.

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

WHEREAS, the required public hearing held on November 7, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 11-818) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

1. The proposed Multi-Family Site Development Plan is consistent with the General Plan and City Redevelopment Plan in that the mixed-use project is consistent with the multi-family residential density for the Richmar Neighborhood; to eliminate and prevent the spread of blight and deterioration and to conserve, rehabilitate, and redevelop the project area; and Residential Objective C of the Richmar Neighborhood Plan by proposing quality design of residential developments and to

achieve attractively designed developments sensitive to the environment and physical characteristics of the site.

2. The proposed Multi-Family Site Development Plan, as conditioned, complies with the proposed zoning of Specific Plan Area (SPA) in that the mixed-use development is approved per the design standards established under the Specific Plan.
3. The project is consistent with the Housing Element of the General Plan in that the project will help achieve the goal of providing the City's fair share of regional affordable housing.
4. The project is consistent with the Goals and Objectives of the Redevelopment Agency Plan in that the construction of the apartment complex will implement Goals and Objectives (N), which is to increase and improve affordable housing opportunities within the Redevelopment Area.
5. The proposed Multi-Family Site Development Plan, as conditioned, will not be detrimental to the public health, safety, or welfare, or the surrounding land uses in that the mixed-use development will be compatible with the surrounding multi-family residential development; and provide adequate parking for customers and residents, adequate setbacks and separation from surrounding properties, private yard areas and tot-lot for outdoor use, and architectural enhancements and a mixture of landscaping to beautify the neighborhood as established under the Specific Plan.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 11-818) is hereby approved pursuant to the California Environmental Quality Act (CEQA).
- C. This Multi-Family Site Development Plan is approved per the submitted site plan (mixed-use development with 84 affordable apartment units and 6,490 sq. ft. of commercial retail), architectural elevations, and conceptual landscape plan, except as modified herein, and subject to compliance with the conditions of approval of this Resolution PC 11-4261.
- D. This Multi-Family Site Development Plan is approved in conjunction with the submitted Specific Plan (SP 09-53), General Plan Amendment (GPA 09-104), Rezone (R 09-142), and Tentative Parcel Map (TPM 672), and all conditions of approval specified in Resolutions PC 09-4149, PC 09-4150, PC 09-4151, and PC 09-4153, respectively, are hereby incorporated by reference herein.
- E. Within thirty (30) days of the approval of the Multi-Family Site Development Plan (MFSDP 09-50), 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 11-4261." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.

F. The site plan shall be modified as follows:

1. A minimum fifteen (15) foot separation between buildings shall be shown.
2. A disabled space shall be located in front of Building A2 at Spaces 165 and 166. The site plan shall also show the disabled space, west of Space 159, on the frontage of the adjacent Westlake Village project. The four (4) disabled spaces shown on the site behind Buildings A1 and A2 are not required for the commercial use and can be eliminated. The applicant shall coordinate with the Building Official regarding locations of disabled spaces elsewhere on site for the disabled accessible apartments.
3. All above-ground utility cabinets/devices shall be shown on the site plan. Any utilities along Autumn Drive or within the central greenbelt shall be enclosed within closets in the building or placed behind buildings out of public view. All gas meters shall be internal to the site and behind buildings, or screened from view by a low decorative screen wall or landscape hedge.
4. Air condition units shall be located, where possible, on the roof and architecturally screened from view. All ground mounted A/C units shall be identified on the site plan. Units shall not impede handicap access and shall be located away from bedroom windows. Location of A/C units shall comply with noise ordinance standards.
5. Add note that parking along Autumn Drive is limited to 2-hour parking during business hours. Number and location of parking signage shall be approved by the City.

G. The conceptual architectural elevations shall be modified as follows:

1. Buildings B1 to B6 shall have an alternating sequence of the three (3) architectural elevations and color schemes.

H. The conceptual landscape plans shall be modified as follows:

1. Landscape plans shall be revised to be consistent with the applicable site plan revisions as required above (i.e.: showing required disabled parking spaces along Autumn Drive).
2. Street tree spacing in front of Building A2 shall be shifted to the east by one parking

space in order to avoid blocking of disabled passenger loading aisle.

3. Under Note 1, the scored sidewalk pattern and sawtooth curb line along Autumn Drive shall match the Autumn Terrace and Westlake Village developments.
4. Under Note 1, the paving for the breezeways on both sides of the site driveway entry shall be integral colored concrete or other enhanced paving, and not gray as proposed. A color and pattern sample shall be submitted to the Planning Division for review and approval prior to issuance of grading permit.
5. Under Note 2, the tree grates shall match those of the Autumn Terrace and Westlake Village developments.
6. Under Note 2, street trees along Autumn Drive shall be London Plane in order to match the Autumn Terrace and Westlake Village developments.
7. Under Note 6, the proposed concrete pavement shall be integral colored with a scored pattern or other enhanced paving. In addition, enhanced paving shall be added to the south end of the driveway loop. A color and pattern sample shall be submitted to the Planning Division for review and approval prior to issuance of grading permit.
8. Under Note 9, paving of the proposed plaza areas shall be integral color scored concrete or other enhanced paving. A color and pattern sample shall be submitted to the Planning Division for review and approval prior to issuance of grading permit.
9. Under Note 11, turf block shall be used instead of the proposed DG surface for the fire lane. A material sample of the turf block shall be submitted for review and approval by the Planning Division Director and Fire Marshal prior to issuance of grading permit.
10. Under Note 20, location of a pedestrian gate to the adjacent future City park is not approved. Final location shall be approved prior to issuance of grading permit. Plans shall include a detail of the proposed gate(s).
11. Under Note 21, a detail shall be provided of the proposed emergency access gate at the southwest corner of the site. The proposed design requires approval by the Planning Division Director and Fire Marshal.
12. Under Note 27, a detail shall be provided of the proposed trellis.
13. Plans shall indicate typical spacing of fence pilasters. Spacing shall be consistent with Autumn Terrace and Westlake Village developments.
14. Truncated domes, where required, shall be gray in color.
15. The design and materials of the proposed benches, seat walls, bike racks, or other



outdoor furniture shall be reviewed and approved by the Planning Division, and shall incorporate design elements of the adjacent buildings.

16. The planting legend shall indicate a symbol for each plant type and show the specific plant locations on the site plan.
  17. Legend shall indicate quantities and placement of all plant material.
  18. All tot lot recreational amenities and playground equipment shall comply with all C.P.S.C. and A.D.A. accessibility standards. Plans shall include a detail of each of the play areas with the proposed play equipment and specifications of said equipment. Final design shall be approved by the Community Services Director and Planning Division.
  19. Red bark mulch shall be used throughout all planter areas for weed and erosion control purposes.
  20. Propose an alternative tree instead of the tipu tree.
- I. Prior to issuance of any grading permit, the following conditions shall be complied with:
1. The developer of MFSDP 09-50 shall submit plans and specifications for improvement of all streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing CalTrans standards and acceptable to the City Engineer.
  2. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and City's "Urban Street Design Criteria" in effect at the time of project approval.
  3. The developer of the property shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation, and drainage facilities, as required by the City Engineer.
  4. The developer shall dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and 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.
  5. Autumn Drive shall be dedicated by the developer along the subdivision frontage an

area nineteen (19) feet deep, plus ten (10) feet for the purposes pedestrian walkway, for a total of forty-nine (49) feet as measured from the existing centerline.

6. The applicant shall apply for an encroachment permit for any permanent structure or facility within public right-of-way or easement.
7. The applicant shall modify the existing storm drain as necessary to provide adequate maintenance access. The required modification shall be at the discretion of the City Engineer.
8. Where proposed off-site improvements including but not limited to streets, slopes, public utility facilities, and drainage facilities are to be constructed, the developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map.
9. If dedications and easements are not acquired after negotiations between the private parties, the developer shall submit a written request and provide sufficient information not later than sixty (60) days prior to filing of any final map for approval, in accordance with Section 19.16.110 of the City's of San Marcos Municipal Ordinance, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In any case, the developer shall be responsible for all costs incurred in acquiring offsite property.
10. The exact depth of street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria". All existing streets shall be "core tested" to determine the existing structural section and the extent of overlay or reconstruction necessary to achieve the required structural section described above. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
11. Landscape maintenance for publicly dedicated open space, multi trail systems, and parks shall be accomplished by the developer or homeowners association for a minimum period of two (2) years, which may be extended, until such time as accepted by the City. Prior to acceptance by the City, the developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.
12. The developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
13. Permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along public streets shall be placed outside of the ultimate

right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.

14. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.
15. Developer shall show through detailed engineering calculations demonstrating compliance with regional storm water hydromodification requirements as well as treatment requirements for pollutants to be approved by the City Storm Water Program Manager.
16. Minimum throat stacking distance for all driveways shall be twenty (20) feet (measured from the ultimate right-of-way line). The entire twenty (20) foot throat distance shall be designated by a raised curb. This minimum shall be increased as deemed necessary by the City Engineer. Radius-type driveways are required per City standards.
17. For commercial or multifamily areas that share access and/or parking, an unsubordinated reciprocal access and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.
18. Individual parking spaces shall be a minimum of nine (9) feet wide by twenty (20) feet depth. The depth maybe decreased down to seventeen and one-half (17.5) feet when there is allowable curb overhang onto adjacent landscaped areas. Curb overhang maybe allowed adjacent to sidewalks as long as there is a minimum unobstructed sidewalk width of four (4) feet. Otherwise, wheel stops shall be installed to prevent vehicles from hanging over the sidewalk.
19. The applicant/developer shall perform the following with respect to the City of San Marcos Community Facilities Districts (CFD):
  - a. The applicant/developer shall submit separate executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFD):
    - (1) CFD 98-01, Improvement Area No. 1, Police.
    - (2) CFD 2001-01, Fire and Paramedic.
    - (3) CFD 98-02, Lighting, Landscaping, Open Space and Preserve Maintenance.
    - (4) CFD 2011-01, Congestion Management.
  - b. Applicant/Developer shall agree to petition to annex into the successor of CFD 98-02. After completion of annexation into CFD 98-02's successor the property shall be de-annexed from CFD 98-02. Applicant/Developer shall

provide an Irrevocable Offer of Annexation (IOA) or provide for a voter designee as a part of the agreement to annex into CFD 98-02's successor.

No grading 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. The applicant/developer shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents. In lieu of annexation, the applicant may choose to pre-pay for the estimated contributions to the Community Facilities Districts. Any in-lieu fee shall be in an amount to cover the estimated contributions of the aforementioned Community Facilities Districts for duration of seventy-five (75) years.

20. The subdivider shall submit a CFD 98-02 exhibit to identify those areas to be maintained by the City as a part of a Special Improvement Area. An application fee of \$12,500 shall apply for the purposes of formation of said improvement area. Exhibit shall be to the satisfaction of the Planning Director and City Engineer.
21. The Developer shall maintain all CFD areas as defined by the City's "Two-Year Maintenance & Establishment" guidelines. No maintenance period will be permitted to commence until written approval has been given by the Public Works Division. Prior to commencement of the Two Year Maintenance & Establishment" period the Developer shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance.
22. All Grading plans, Improvement Plans and Maps shall use the North American Vertical Datum of 1988 as a basis for elevations and the California Coordinate System of 1983 for its basis of coordinates. A minimum of two (2) measured ties to Horizontal Control Monuments of said coordinate system as shown on City of San Marcos Record of Survey 13928 must be used. All vertical controls used from Record of Survey 13928 must be converted from the National Geodetic Vertical Datum of 1929 prior to use.
23. A detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. All work performed and plans prepared shall comply with SMMC 17.32.
24. The developer shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining/crib walls on an approved grading plan. Street and drainage structure alignments, retaining/crib walls, or any other appurtenant structures shall be designed to the satisfaction of the City Engineer.

25. A geologic and soils study shall be conducted for the proposed project. Said study shall give recommendations for cut and fill slopes, compaction and suitability for step foundations on individual lots. Said study shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering and Building Divisions. Recommendations of the Civil and/or Geotechnical Engineer, City Engineer and Building Official shall be implemented at the time of development of any lot.
26. Fire hydrants shall be shown on the plans in locations to the satisfaction of the Fire Marshal.
27. The developer shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
28. For water quality devices that use infiltration through the native soil as a means of treatment, an infiltration test of the native soil shall be performed as part of the geotechnical investigation. No soil with an infiltration rate of less than 5in/hr shall be allowed for water quality treatment. Recommendations of engineered soil placement and/or the remediation of the native soil for the purposes of treatment shall be included within the geotechnical investigation.
29. The developer shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
30. Developer shall design the site drainage system as to direct flow that currently bypasses drainage structures at the southerly end of the property into said structures. Should structures not be adequately sized such structures shall be improved to handle the flow.
31. A hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvement requirements. 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. This report shall be subject to approval of the City Engineer.



32. All internal circulation shall be able to accommodate turning movements of vehicles that may use the site. All internal turning movements shall be designed according to the American Association of State Highway and Transportation Officials (AASHTO) Geometric Design of Highway and Streets manual.
33. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any grading or building permit.
34. The developer applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.
35. It shall be the responsibility of the developer to perform research or investigations into existing infrastructure for the purposes of developing and implementing the design shown in any reports or plans.
36. Improvement plans shall be prepared to the satisfaction of the City Engineer. All improvement plans shall indicate all necessary information for the purposes of constructing the roadway and associated facilities.
37. Maintenance of private open space areas and slopes shall be the responsibility of the developer/property owner.
38. All private concrete terrace drains shall be maintained by the property manager or the individual property owner (if on an individually owned lot). An appropriately worded statement clearly identifying the responsibility shall be placed in the CC&R's and on any appropriate plans and maps.
39. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
40. 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. Said facilities shall not be placed in the mixed-use area. If possible, said facilities shall be located within or behind the building(s) in order to be screened from public view.
41. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.
42. For commercial or multifamily areas that share access and/or parking, an unsubordinated reciprocal access and parking agreement, in a form satisfactory to the



City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.

43. Prior to release of any securities, a digital disk of all as-built drawings and maps is required on a CD. Said files shall be in an Autocad format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. PDF versions of all approved drawings and recorded documents shall be provided. In addition, electronic files of the project reports (i.e. soils report, drainage study, SWPPP, Water Quality Technical Report, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. Copies of the final as-built drawings shall be submitted on a CD in a format acceptable to the City. A Mylar of the map, after recordation is also required.
44. The applicant/developer applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.
45. The applicant/developer shall submit for City review and approval for the implementation of a Storm Water Pollution Prevention Plan (SWPPP), per the latest Caltrans SWPPP Preparation Manual, to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall satisfy the requirements of the latest State Water Resources Control Board General Construction Permit. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (BMP) implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction. The SWPPP shall be prepared by a registered civil engineer with the required QSD certification. The SWPPP shall have separate pollution prevention plans and BMPs to address potential pollutants associated with the four stages of construction: Demolition, Grading, Vertical Construction, and Hardscape/Landscape.
46. The applicant/developer shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding the grading with dry weather periods, permanent re-vegetation and landscaping as early as feasible, temporary stabilization and reseeding of disturbed soil areas as early as feasible.
47. The applicant shall prepare Water Quality Improvement Plans (WQIP) that shall be included and developed concurrently with the grading plans that address current Order R9 2007-0001 water quality (March 25, 2010) and hydro-modification requirements (January 14, 2011) and shall include site design, source control, LID, and treatment control and individual project requirements identified in the City SUSMP. The Building, Landscape, grading and Improvement Plans shall coordinate, quantify, and identify all constructed elements that implement required site design, source control, LID and water quality treatment/HMP facilities. The WQIP shall

include a table of operation and maintenance for all facilities.

48. All required calculations and back up information to confirm compliance with Order R9-2007-0001 development requirements (HMP and water quality) shall be included in the Hydrology/Drainage Study in a separate section and shall be reviewed and approved by the City prior to issuance of the grading permit.
49. The Water Quality Improvement Plans (WQIP) shall be prepared in conjunction with the grading plans. Prior to final approval of the grading plans, the grading plans shall be reviewed by the City for substantial conformance with the approved Water Quality Technical Report (WQTR). Developer shall provide geotechnical confirmation for all infiltration Best Management Practices (BMPs) or for not using infiltration BMPs.
50. The developer shall submit, for City review and approval, a mechanism which will ensure on-going long-term maintenance of all construction Best Management Practices (BMPs). Said mechanism shall address maintenance of the BMPs if project delays or abandonment occurs.
51. Each structural treatment control Best Management Practice (BMP) shall have the following information listed on the BMP sheet:
  - a. Latitude and Longitude.
  - b. Maintenance Requirements.
  - c. Assessor Parcel Number location for each BMP.
  - d. Type of BMP per CASQA classification.
  - e. Pollutants removed by each BMP and Efficiency.
  - f. Anticipated Project Generated Pollutants.
  - g. Downstream Impaired Water Body Pollutants.
  - h. Model number, manufacturer, manufacturer phone number, treatment flow, detention time for each BMP.
  - i. Area of project treatment for each BMP.
  - j. A unique BMP ID number shall be assigned by the City and shall be shown on the BMP sheet.
  - k. All BMP ID numbers for treatment control facilities shall be field identified.
52. The applicant/developer shall submit for City review and approval, plans showing source control BMPs in place and a certified letter noting the implementation plans for said BMPs.
53. The applicant shall obtain a demolition permit from the Building Division prior to demolition of the existing residences and other accessories structures on site. A certified asbestos consultant shall inspect the buildings for asbestos-containing materials and to provide recommendations for proper removal of said materials prior to demolition.

54. The applicant shall gain coverage under the SWRCB General Construction permit prior to the issuance of a demolition permit. Proof of coverage shall be provided to the City.
55. 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 applicant's/landowner's maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities, for both the residential areas as well as the commercial retail areas.
56. The applicant/developer shall enter into a regulatory agreement and Owner Participation Agreement (OPA) approved by the City Manager, for the affordable housing units. The agreement shall include, but is not limited to, term of restriction, monitoring requirements, occupancy and income restrictions, management control, leasing and/or sale of retail units, and Conditions, Covenants, and Restrictions considered by the City to ensure compliance with the City's Housing Element of the General Plan.
57. The applicant shall submit a letter from a certified archaeologist substantiating (based on a records search) there are no cultural resources on site.
58. Prior to the issuance of the Grading permit, if applicable, the developer shall provide proof of coverage to the City of all facility activities at completion of the project under either a separate individual permit from the SDRWQCB, and/or coverage under the State Water Resources Control Board General Industrial Permit. Proof of coverage under the SDRWQCB separate permit or the SWRCB General Industrial Permit and all applicable documents required for obtaining the permit shall be provided to the City for review. A copy of the permit shall be kept onsite at all times, including records of all laboratory analyses, and updates.
59. The applicant/developer shall submit proof of coverage under the State Water Resources Control Board General Construction Permit. The Waste Discharge ID number (WDID #) shall be identified on the Title sheet to the Project plans, the grading plans, and the erosion control plans. Coverage under the SWRCB General Construction Permit shall be maintained until the developer has submitted the Notice of Termination (NOT) to the San Diego Regional Water Quality Control Board and received approval of the NOT from the SDRWQCB. The developer shall notify the City Storm Water Program Manager forty-five (45) days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the approved WQTR shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City.
60. Under separate permit, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:

- a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect and incorporate all revised landscape comments.
  - b. Separate landscape plans shall be submitted for the on-site (private) landscape areas and the off-site (CFD) landscape areas.
  - c. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
  - d. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet if within public view. 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); and method of installation and irrigation.
  - e. Plant material and irrigation design, as well as the required reporting, shall comply with the City's landscape water efficiency ordinance.
  - f. 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.
61. Landscape maintenance for publicly dedicated areas shall be accomplished by the applicant/developer or homeowners association for a minimum period of two (2) years, which may be extended, until such time as accepted into the Landscaping and Lighting District. Prior to acceptance by the City, the applicant/developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.
62. All permanent Best Management Practices (BMPs) per the approved WQIP 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 current SUSMP. The WQIP shall be prepared in conjunction with the landscape plans. Prior to final approval of the landscape plans, the landscape plans shall be reviewed by the City for substantial conformance with the approved WQIP.

63. The project shall meet the San Diego County Municipal Storm Water Permit Requirements for implementing LID. Prior to issuance of grading permit, applicant shall demonstrate for City approval that LID requirements are met for Section D.4.a. of the MS4 permit with either porous pavers or other approved alternative in the onsite parking areas.
- J. 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. Building Plans shall be reviewed to be in substantial conformance to the Water Quality Improvement Plans.
  4. 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.
  5. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
  6. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.
  7. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
  8. 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 whatever the features are standard, limited, optional or not available, and the point of construction by which



they must be requested.

9. The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee Resolution. The fee is based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
10. 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.
11. 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.
12. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
13. 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.
14. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.
15. Prior to issuance of building permit, a certified acoustical engineer shall submit a noise study substantiating that noise levels within interior living space and exterior usable areas (i.e.: outdoor patios/balconies) comply with California Building Code and the City's General Plan.
16. The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) have been in substantial conformance with the approved plans, reports, and standards.
17. All grading shall be supervised by a Civil and/or 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 approved 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 mentioned in the initial report of subsurface conditions.

18. The developer shall provide the City Engineer a copy of the State Water Resources Control Board permit issued for the project under the NPDES General Permit.
19. 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.
20. The base lift of asphalt on all roads serving the area under construction shall be completed.
21. All rooftop mechanical units, vents, ducts, etc. shall be screened by parapet walls or architectural screen enclosure from street grade view as approved by the Planning Director. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be screened. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
22. All exterior lighting shall comply with City standards for low-pressure sodium vapor or higher energy-efficient fixtures, except for low-wattage architectural lighting. All fixtures shall be approved by the City.
23. Architectural lighting plan shall be included with the building plans that show the type, style, and location of all exterior building lights including parking lot lights. Plans shall include cut-sheets with fixture details, photo, and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc.
24. Building address and suite numbers shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
25. Parking and driveway areas shall be surfaced with Asphaltic Concrete (AC) or Portland Cement Concrete (PCC) over a prepared base. Porous pavers or other approved alternative shall be used in designed onsite parking areas, as approved by the City Engineer.
26. Six (6) inch high Portland Cement Concrete (PCC) curbing shall be installed separating all paved areas from all landscaped areas, unless curb cuts or at-grade curbs are utilized to accommodate water quality objectives, as approved by the City Engineer. Where curbing may conflict with vehicle turning movements, corner cutoffs or radii shall be provided as required by the Fire Department.

27. The trash enclosure (minimum dimensions of fourteen (14) feet wide by ten (10) feet deep by six (6) feet high) for trash and recycling containers shall be constructed to match the building in color and texture. In addition, the enclosure shall have solid view-obscuring, double swinging gates; must have a flat impervious, concrete slab designed not to allow run-on from adjoining areas; contain attached lids on all trash and recycling containers; and a roof to minimize direct precipitation.
  28. The applicant shall enter into agreement with the City a regulatory management agreement regarding operational standards and management of the mixed-use project.
  29. Building plans shall include a fencing plan. The fencing plan shall consist of decorative fencing with a detail of each proposed fence type(s). Perimeter fencing shall have pilasters covered with stone/brick material that matches the building. Chain link or dog-eared wood fencing shall not be permitted. The applicant shall submit a material sample of the proposed fencing to the Planning Division for review and approval.
  30. The applicant/developer shall submit a parking management plan to the Planning Division for review and approval.
  31. A Traffic Demand Management (TDM) Plan shall be submitted for review and approval by the City Engineer. Said TDM plan shall, at a minimum, address coordination with the North County Transit District (NCTD) regarding existing and future bus routes and stops, and incentives for bus/Sprinter passes, and annexation into City's Congestion Management CFD. The TDM plan shall be implemented at occupancy.
  32. The applicant shall submit a outdoor furniture manual with photographs and specifications of benches, picnic tables, barbeques, trash receptacles, etc. After approval by the City, said requirements shall be incorporated into the commercial CC&R's. Manual shall include a site plan showing locations of the outdoor furniture. The applicant shall be responsible for the installation of outdoor furniture.
- K. During the construction phase, the following conditions shall be complied with:
1. A test sample of the proposed exterior colors shall be applied to a mock-up with an area large enough to be representative of the finished color scheme. This sample shall be inspected and approved by the Planning Division prior to painting of the buildings. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Division Director. The applicant/developer shall be responsible to contact the Planning Division for inspection.
  2. 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.

3. 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.
4. 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.
5. The applicant/builder/contractor 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.
6. The demolition of buildings shall not commence until the proper testing of asbestos, lead paint and hazardous materials has been performed and the abatement of the hazardous materials has been completed. The recycling of materials shall comply with state law and all utilities shall be disconnected and safely abandoned.
7. The project shall comply with Regional Air Quality Standards.
8. 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.
9. The developer shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
10. The applicant/developer shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
11. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
12. The applicant/developer/contractor shall designate a Qualified SWPPP Practitioner (QSP) and a Qualified SWPPP Developer (QSD) for the duration of

construction. Notification shall be given to the Public Works Inspector within 24 hours of any changes to either the QSP or QSD. Any changes to the QSP or QSD shall be approved by the Public Works Inspector.

13. During grading and construction phases of development, the contractor shall comply with all Best Management Practices as dictated by the QSD and QSP. Design and implementation of such BMP's shall be compliant with all regional and state standards for design and implementation standards.
14. 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.
15. During grading and construction operations, the 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.
16. 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.
17. No sediment shall be allowed to migrate from the site nor be deposited within the existing storm drain network. All existing storm water conveyance devices must be protected from such sedimentation.
18. The developer shall construct desiltation/detention basins and erosion control devices of a type and size and at locations as approved by the City Engineer and in conformance with the GCP requirements. Devices shall be installed and maintained in working condition year round. Each such basin shall be provided with an all-weather access/maintenance road.
19. Dewatering activities during construction shall not be conducted without appropriate permits and approvals from all regulatory agencies involved (SDRWQCB, SWRCB, ACOE, and other Resource agencies). The City Storm Water Program Manager shall be notified one week in advance of any dewatering activities and a copy of all permits shall be submitted to the City. Dewatering activities will be conducted and planned for in compliance with the SDRWQCB, SWRCB, and project specific dewatering permit requirements obtained. Should the quality of the ground water be such that it does not meet the permitting requirements, then the water will need to be treated prior to discharge.
20. The developer shall ensure that the grading and other construction activities meet the

provisions specified in the California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-0001 – Section D.2.

21. The developer shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
  22. The developer shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans in the SWPPP.
  23. The applicant/developer shall minimize exposure time of disturbed soil areas.
  24. The applicant/developer shall provide evidence of existing coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities at all times.
- L. Prior to occupancy of any structure on site, the following conditions shall be complied with:
1. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade & adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Director.
  2. All landscaping shall be completed, and inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.
  3. The applicant shall submit a letter(s) by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Improvement Plan, respectively.
  4. The applicant shall have completed the installation of the playground equipment and outdoor furniture in accordance with the manufacturer's standards. The applicant shall submit a letter by the installation contractor indicating that the playground equipment has been installed per the manufacturer's specifications.
  5. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles. Fire hydrants as shown on the improvement plans shall be installed prior to occupancy.
  6. Any change in occupancy in an existing building shall be approved by the City Building Official as required by the latest adopted Uniform Building Code. A new Certificate of Occupancy will be issued after the City has inspected and approves the new use. Buildings or structures shall not be used or occupied until the appropriate



City departments and agencies have accepted or approved the buildings for occupancy. A Certificate of Occupancy ("C of O") shall not be issued until the conditions of approval for the proposed development have been satisfied.

7. All improvements shown on the improvement plans, as approved by the City Engineer for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Development Improvement Agreement for this project.
8. Autumn Drive shall be constructed to half width improvements as shown on the approved improvement plans. All pavement sections shall be constructed to ultimate structural section.
9. Signage restricting vehicle access to fire lanes shall be installed to the satisfaction of the City's traffic engineering division.
10. Curb, gutter, sidewalk and diagonal parking as well as a public sidewalk along the Autumn Drive frontage shall be constructed as approved by the City Engineer.
11. A street lighting and pedestrian lighting system, consistent with the Autumn Terrace development and future Buelow Park lighting, shall be installed at specified locations as approved by the City Engineer at no cost to the public. All onsite lighting systems shall also comply with City's standards.
12. The construction of all private streets and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City of San Marcos Standards based on R-value tests or geotechnical engineer's recommendation, whichever is higher. All private streets and/or drainage systems shall be inspected by the City.
13. All on-site drainage shall be conveyed onto public streets through approved onsite storm water best management practices, as approved by the City Engineer. These facilities shall be constructed in accordance with City standards and privately maintained.
14. Fire Hydrants, turnarounds, and hammerheads shall be constructed to the satisfaction of the Fire Marshal.
15. The applicant/developer shall pay for and install all street name signs and traffic control devices fronting and within the project. The developer shall also post "No Parking" signs. All traffic control devices will be placed according to a plan prepared by the applicant/developer and approved by the City Engineer and the Director of Public Works.
16. "As-Built" reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans



shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.

17. The 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.
  18. All open space areas, park areas, including landscaping and areas for the Pedestrian & Bicycle trails and the Multi-use trails shall be improved in accordance with the City's Master Park Plan and/or the project's site plan.
  19. The applicant/developer shall submit for City review and approval, plans showing source control BMPs in place and a certified letter noting the implementation plans for said BMPs.
  20. All water quality permanent BMP's shall be inspected and approved by the Public Works Director, City Engineer, and Planning Director.
  21. The City assigned BMP ID number of all water quality BMP's shall be shown on the installed BMP. Said ID number may be delineated with a stencil or sign to the satisfaction of the Public Works Director.
  22. The applicant/developer shall provide a buffer zone for natural water bodies (as shown on approved plans). The buffer zone (as approved) shall be inspected and approved for compliance by the City.
  23. The applicant/developer shall stabilize all slopes per a City approved method.
  24. Annexation into the City's Community Facility Districts shall be completed.
  25. A digital disk of all as-built drawings and maps is required on a CD. Said files shall be in an Autocad format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. Tagged Image File Format (TIFF) versions of all approved drawings, recorded documents, reports (i.e. soils report, geotechnical reports, structural evaluations, title reports, etc.) shall also be provided. Copies of the final as-built drawings shall be submitted on a CD in a format.
  26. All public improvements shall be inspected and approved for acceptance.
- M. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
- N. The management agency shall be responsible to maintain the project in a high quality

manner.

- O. The applicant/developer shall submit a comprehensive sign program for review and approval to the Planning Division. Wall signs shall be limited to individual channel letters and logos. Monument signs shall be architecturally compatible with the buildings.
- P. Use of the site shall be conducted so as not to become obnoxious by reason of noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
- Q. 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.
- R. This Multi-Family Site Development Plan shall expire on November 7, 2012 unless a building permit is obtained by this date and construction has begun in accordance with the submitted plans.
- S. To the extent permitted by law, the Applicant 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 or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant 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.
- T. The property owner shall be required to provide written notification to the City when they assume water quality BMP maintenance responsibilities from the Developer.
- U. The alignment and terminal point of storm drains shown on the site plan shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 7<sup>th</sup> day of November, 2011, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

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Steve Kildoo, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Planning Secretary  
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 11-4262

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A TENTATIVE PARCEL MAP TO ALLOW FOR A LOT CONSOLIDATION AND COMMERCIAL CONDOMINIUM UNITS WITHIN A MIXED-USED DEVELOPMENT IN THE SPECIFIC PLAN AREA (SPA) ZONE IN THE RICHMAR NEIGHBORHOOD

TPM 675

Hitzke Development Corporation

WHEREAS, on November 4, 2009 an application was received from Hitzke Development Corporation requesting a Tentative Parcel Map (TPM) to allow for a lot consolidation and commercial condominium units within a mixed-use development, in conjunction with General Plan Amendment (GPA 09-107), Rezone (R 09-144), Specific Plan (SP 09-54), and Multi-Family Site Development Plan (MFSDP 09-50), located on Chinaberry Lane, south of Autumn Drive, in the Specific Plan Area (SPA) Zone in the Richmar Neighborhood, more particularly described as:

Portion of Lot 11, Block 61 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Numbers: 220-130-18, 220-130-23, 220-130-28, 220-130-35, 220-130-36, 220-130-43, 220-130-62, 220-130-65, and 220-130-67.

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

WHEREAS, the required public hearing held on November 7, 2011 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Negative Declaration (ND 11-818) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission did consider said Tentative Parcel 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 Parcel Map, as conditioned, complies with the proposed zoning of Specific Plan Area (SPA) in that the proposed mixed-use development is approved per the design standards established under the Specific Plan.
2. The site is physically suitable for this type of subdivision, with the conditions of approval, in that the site can accommodate the proposed mixed-use development by providing adequate building setbacks, open space, and parking as established under the Specific Plan.
3. The proposed residential uses on the project site will be developed under a Specific Plan which will detail the acceptable residential density on the project site and address the compatibility with adjacent land uses.
4. The design or improvements will not conflict with any easements acquired by the public at large for access.
5. The design of the subdivision and improvements will not cause public health problems in that water and sanitary sewer services are provided to the site.
6. The design of the subdivision and improvements will not cause significant environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant environmental issues or concerns were identified through the environmental assessment prepared for the development.
7. The Tentative Parcel Map, as conditioned, will not be detrimental to the public health, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage are provided.

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

- A. The foregoing recitals are true and correct.
- B. The Tentative Parcel Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Mitigated Negative Declaration (ND 11-818) for this project is hereby adopted pursuant to the California Environmental Quality Act (CEQA).
- D. The Tentative Parcel 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. The approval of this Tentative Parcel Map shall expire within twenty-four (24) months from date of Planning Commission approval. The Final Map, conforming to this conditionally approved Tentative Parcel 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 Parcel Map and new processing of the map.
- F. Within thirty (30) days of the approval of Tentative Parcel Map (TPM 675), the tentative map 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 owner(s) or the owner's representative, have read, understand, and agree to the conditions of Resolution PC 11-4262". Immediately following this statement shall appear a signature block for the owner(s) or the owner's representative which shall be signed. Signature blocks for the Project Planner and 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 final map submittal.
- G. This Tentative Parcel Map is approved in conjunction with the submitted General Plan Amendment (GPA 09-107), Rezone (R 09-144), Specific Plan (SP 09-54), and Multi-Family Site Development Plan (MFSDP 09-50), and all conditions of approval specified in Resolutions PC 11-4258, PC 11-4259, PC 11-4260, and PC 11-4261, respectively, are hereby incorporated by reference herein.
- H. Prior to approval of the Final Parcel Map by the City Council, the following conditions shall be complied with.
  - 1. Grading permits will not be issued prior to recordation of the Parcel Map.
  - 2. A twenty-four (24) foot easement for the purposes of emergency access shall be provided from Autumn Drive to the adjoining Westlake Village development (APNs: 220-130-82 & 220-130-83). Said easement shall tie into existing easement of adjoining property.
  - 3. A pedestrian access easement shall be dedicated along the southerly portion of the property connecting the adjacent development (APNs: 220-130-82 & 220-130-83) with the City Park. Said pedestrian easements shall also be dedicated for the purposes of maintenance and landscaping.
  - 4. A municipal access easement for the purposes of access and maintenance to the City storm drain shall be granted to the benefit of the City. Said easements shall provide adequate access as determined by the Public Works Department.



5. Prior to Parcel Map approval, the Developer shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certificate from each of the public utilities and each entity owning easements within the proposed subdivision stating that:
  - a. They have received a copy of the proposed Parcel Map from the Developer.
  - b. They object or do not object to the filing of the Parcel Map without their signature.

In the case of a street dedication affected by their existing easement, they will sign a "Subordination Agreement" on the map when required by the Governing Board.

6. Parcel Map shall be in the form of a three dimensional parcel map.
7. A Mylar copy of the final recorded map shall be provided to the City.
8. Parcel Map shall be prepared in compliance with the California Map Act and Land Surveyors Act and Title 19 of the San Marcos Municipal Code.
9. All Grading plans, Improvement Plans and Maps shall use the North American Vertical Datum of 1988 as a basis for elevations and the California Coordinate System of 1983 for its basis of coordinates. A minimum of two (2) measured ties to Horizontal Control Monuments of said coordinate system as shown on City of San Marcos Record of Survey 13928 must be used. All vertical controls used from Record of Survey 13928 must be converted from the National Geodetic Vertical Datum of 1929 prior to use.
10. The Developer of MFSDP 09-50 shall submit plans and specifications for improvement of all streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing CalTrans standards and acceptable to the City Engineer.
11. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer and City's "Urban Street Design Criteria" in effect at the time of project approval.
12. Improvements along Autumn Drive shall be designed and constructed consistent with all City standards and requirements.
13. The developer shall dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and 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.

14. Autumn Drive shall be dedicated by the developer along the subdivision frontage to allow for diagonal parking of 17.5 feet, plus ten (10) feet for the purposes pedestrian walkway.
15. Where proposed off-site improvements including but not limited to streets, slopes, public utility facilities, and drainage facilities are to be constructed, the developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map.
16. If dedications and easements are not acquired after negotiations between the private parties, the developer shall submit a written request and provide sufficient information not later than sixty (60) days prior to filing of any final map for approval, in accordance with Section 19.16.110 of the City's of San Marcos Municipal Ordinance, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In any case, the developer shall be responsible for all costs incurred in acquiring offsite property.
17. Fire hydrants shall be shown on the plans in locations to the satisfaction of the Fire Marshal.
18. The exact depth of street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria". All existing streets shall be "core tested" to determine the existing structural section and the extent of overlay or reconstruction necessary to achieve the required structural section described above. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
19. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.
20. 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.
21. The developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
22. Landscape maintenance for publicly dedicated open space, multi trail systems, and

parks shall be accomplished by the developer or homeowners association for a minimum period of two (2) years, which may be extended, until such time as accepted into the Landscaping and Lighting District. Prior to acceptance by the City, the developer shall be required to submit a detailed irrigation and maintenance schedule and a detailed estimate of the anticipated annual costs for maintenance and utilities. The purpose of this provision is to ensure that landscaping is established.

23. For commercial or multifamily areas that share access and/or parking, an unsubordinated reciprocal access and parking agreement, in a form satisfactory to the City Attorney, shall be recorded with the Office of the San Diego County Recorder. A copy of the recorded agreement shall be submitted to the City's Planning Division.
24. The applicant/developer shall perform the following with respect to the City of San Marcos Community Facilities Districts (CFD):
  - a. The applicant/developer shall submit separate executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFD):
    - (1) CFD 98-01, Improvement Area No. 1, Police.
    - (2) CFD 2001-01, Fire and Paramedic.
    - (3) CFD 98-02, Lighting, Landscaping, Open Space and Preserve Maintenance.
    - (4) CFD 2011-01, Congestion Management.
  - b. Applicant/Developer shall agree to petition to annex into the successor of CFD 98-02. After completion of annexation into CFD 98-02's successor the property shall be de-annexed from CFD 98-02. Applicant/Developer shall provide an Irrevocable Offer of Annexation (IOA) or provide for a voter designee as a part of the agreement to annex into CFD 98-02's successor.

No grading 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. The applicant/developer shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents. In lieu of annexation, the applicant may choose to pre-pay for the estimated contributions to the Community Facilities Districts. Any in-lieu fee shall be in an amount to cover the estimated contributions of the aforementioned Community Facilities Districts for duration of seventy-five (75) years.

25. The subdivider shall submit a CFD 98-02 exhibit to identify those areas to be maintained by the City as a part of a Special Improvement Area. An application fee

of \$12,500 shall apply for the purposes of formation of said improvement area. Exhibit shall be to the satisfaction of the Planning Director and City Engineer.

26. The Developer shall maintain all CFD areas as defined by the City's "Two-Year Maintenance & Establishment" guidelines. No maintenance period will be permitted to commence until written approval has been given by the Public Works Division. Prior to commencement of the Two Year Maintenance & Establishment" period the Developer shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance.
27. The applicant/landowner shall establish and record Covenants, Conditions and Restrictions (CC&R's) for the proposed project to assure the continued maintenance and operation of all said common areas and improvements as follows:
  - a. The applicant/landowner and all persons, firms, or corporations owning the property subject of this subdivision at the time of the recording of the Final Maps and their heirs, administrators, executors, successors and assignees, shall maintain and repair the common areas and improvements for benefit of the owners, and shall continue to operate, maintain and repair such common facilities and improvements.
  - b. The maintenance and operation of said common facilities and improvements for common use and benefit of the project shall be assured through establishment of CC&R's capable of maintaining and operating said common areas, facilities and improvements and providing for the participation by owners of project in the cost and maintenance and operation and the enforcement of such participation. Maintenance responsibilities for utilities, including sewer, water, fire sprinklers, telephone, CATV, data services, and Best Management Practices (BMPs) shall be defined. The CC&R's shall also indicate that the Property Owner Association shall enforce their own reciprocal parking and access easements and shall identify specific parking spaces for each suite.
  - c. The City Attorney shall approve the CC&R's or comparable document.
  - d. At the time said Final Map(s) are recorded in the office of the County Recorder, there also shall be recorded a document signed by all persons, firms, and corporations having an interest in the property shown on said Final Maps and by the City of San Marcos. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos, shall provide for the enforcement of its terms by the City of San Marcos, and shall establish for the benefit of all property shown on said Final Maps. Said document shall provide that said restriction shall run with the land and bind all owners of the property shown on said final Maps and their successors for a period of 20

years from the date of recording the restriction, after which time the restriction shall be automatically extended for successive periods of 20 years, unless an instrument signed by a majority of the then owners of the project and by the City of San Marcos has been recorded agreeing to change the restriction in whole or in part.

- I. 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.
- J. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
- K. To the extent permitted by law, the Applicant 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 or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant 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 7<sup>th</sup> day of November, 2011, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

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Steve Kildoo, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Planning Secretary  
SAN MARCOS CITY PLANNING COMMISSION