

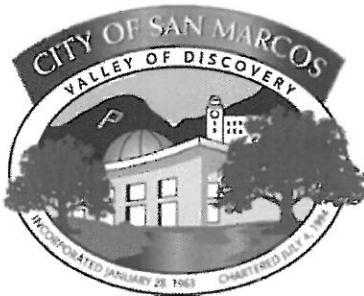
PLANNING COMMISSION

ADDITIONAL ITEM ADDED AFTER
DISTRIBUTION OF PACKET

Agenda # 2

- 1188 Borden Rd. + 1200 Venture LLC
(#2 Staff Memo)

Date 12/3/12
Time 11:55 AM



Memorandum

TO: Planning Commission
FROM: Planning Division Director
SUBJECT: TSM 470 PC Agenda Changes (Resolution PC 12-4324)
DATE: December 3, 2012

Staff is recommending the following changes to the Planning Commission Resolution PC 12-4324, which was distributed to the Planning Commission and public. These recommended revisions are in addition to the PC Memorandum with revisions, dated 11/30/12.

PC Resolution PC 12-4324 revisions:

Page 17, Condition "I" Prior to recordation of Final Map, the following conditions shall be complied with:"

- | 75. Prior to issuance of grading permit, tThe applicant shall obtain a demolition permit from Building Division prior to demolition of the existing single-family residences on site. A certified asbestos consultant shall inspect the site to identify the type and location, if any, of Asbestos Containing Construction Materials in the building, and make recommendations as to the proper removal of asbestos materials prior to demolition of the building.
- | 78. All retaining walls shall be clearly represented on the grading plans. All retaining walls shall be constructed of decorative earth tone keystone block walls, split faced textured concrete block or comparable as approved by the Planning Division Director and City Engineer/Public Works Director, ~~and shall be the same material as the block wall located on the western subdivision boundary.~~ Landscaping shall be installed where deemed appropriate by the Planning Division Director to soften appearance of high walls. If a retaining wall is proposed adjacent to a sidewalk, there shall be enough space to allow planting of a clinging vine and irrigation to accommodate vegetation as a graffiti deterrent. Structural design of said walls shall be approved by the City Engineer/Public Works Director.



Page 19, "Prior to issuance of any building permit, the following condition shall be complied with:"

Modification to the staff language in the 11/30/12 PC Memo. Elimination of reference to location of affordable lots and Planning Director authority to approve the location of the single story homes. Delete the original language from PC Resolution and replace with the following language:

3. ~~The house plans for the very low income lots shall be the same floor plan, elevations, and interior amenities as the rest of the subdivision. The location of the affordable lots shall be approved by the City of San Marcos. The very low income homes shall be constructed concurrently with the market rate homes and shall not be situated next to each other.~~
3. There shall be a mixture of single and two story houses within the subdivision, with four (4) single story house plans distributed through the subdivision with at least one (1) single story home located on lots 6-10. The density bonus units (very low income) shall be a minimum of 1,500 square feet, containing 3 bedrooms and 2 bathrooms with an attached 2 car enclosed garage. The exterior elevations shall be the same as the market rate units (so as not to make the very low income homes appear to be of lesser quality to the single story market rate units in the project). The interior appointments, appearance, amenities, and finishes of the affordable units shall provide the base line products of the market rate units. ~~The location of the affordable lots shall be on lots 3 and 19 as noted on the TSM.~~ The very low income homes shall be constructed concurrently with the market rate homes and shall not be situated next to each other. All locations and elevations of single story homes shall be approved by the Planning Director.

No modification to the language of Condition J9, however, the applicant has requested the executed agreement referenced in the condition be part of the administrative record; therefore, staff is attaching the executed agreement to this memorandum for reference (see attached).

9. The applicant/developer shall pay an affordable housing in-lieu fee for two lots (15% of the target units) in accordance with the executed Inclusionary Housing Agreement dated August 29, 2008 between the developer (Klinek) and the City.

Attachment: "Inclusionary Housing Agreement for Klinek Affordable Housing Project; TSM 470R"
dated August 29, 2008

LAW OFFICES OF WESLEY W. PELTZER

A PROFESSIONAL CORPORATION

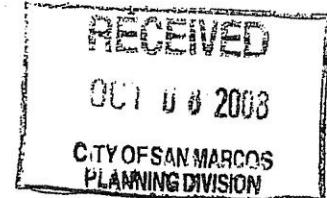
751 RANCHEROS DRIVE, SUITE 4
SAN MARCOS, CALIFORNIA 92069
TELEPHONE (760) 744-7125
FAX (760) 744-8259
E-MAIL: WWPELTZER@AOL.COM

(file)

NY
CC: Tony
original to sub
AP

October 2, 2008

Paul Malone
City Manager
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069-2918



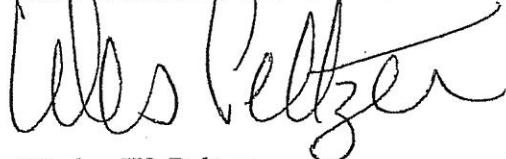
Re: *Inclusionary Housing Agreement for Klinek Affordable Housing Project;*
TSM 470R
Our File No. 3021.002

Dear Paul:

I am enclosing with this letter a fully executed original of the Inclusionary Housing Agreement for the Klinek subdivision. I appreciate your assistance in resolving the inclusionary housing fee issues for the project.

Regards,

LAW OFFICES OF WESLEY W. PELTZER



Wesley W. Peltzer

WWP:cm
Enclosure

cc: Robert Klinek (w/o enclosure)

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12/3/12 PC
MEMO ATTACHMENT

LAW OFFICES OF WESLEY W. PELTZER

A PROFESSIONAL CORPORATION

751 RANCHEROS DRIVE, SUITE 4
SAN MARCOS, CALIFORNIA 92069
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August 29, 2008

Paul Malone
City Manager
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069-2918

Re: *Inclusionary Housing Agreement for Klinek Affordable Housing Project;*
TSM 470R
Our File No. 3021.002

Dear Paul:

Thanks for meeting with me on August 26, 2008 to resolve the affordable housing issues for the Klinek subdivision, TSM 470R. The tentative map includes 22 single family residential lots that include two very low income units. The lots that will be designated as very low income affordable housing units are lots 3 and 19 as shown on the tentative map. At our meeting we agreed as follows:

1. The subdivision map will include two very low income units on lots 3 and 19 of the subdivision map; and
2. In lieu of providing any further affordable housing units on site, the City will be paid an inclusionary housing fee for the subdivision in the total sum of \$110,000; and
3. \$55,000 of the inclusionary housing fee will be paid to the City upon issuance of the first building permit for the subdivision; and
4. The remaining \$55,000 due on the inclusionary housing fee will be prorated over the remaining 21 lots and paid at the rate of \$2,619.05 as each building permit is issued by the City for each of these remaining 21 lots.
5. The City agrees that the two very low income units being provided as part of the subdivision and payment of a total inclusionary housing fee of \$110,000 for the subdivision fully complies with the City's present and future inclusionary housing requirements and that no further affordable housing units need to be constructed and no additional inclusionary fee will be payable for the subdivision.

Paul Malone
August 29, 2008
Page 2

6. The City agrees that the two very low income units being provided qualify the subdivision for a density bonus in accordance with Government Code §65915.

Thanks again for meeting with me to resolve the inclusionary housing units and fee requirements for TSM 470R.

Sincerely,

LAW OFFICES OF WESLEY W. PELTZER

Wesley W. Peltzer

AGREEMENT TERMS

By signing below, the property owners and the City of San Marcos agree to all terms of this written agreement and agree to abide by all of its terms.

Dated: August 29, 2008

"Property Owners"

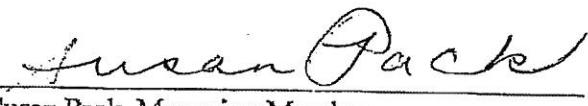
1200 Venture LLC, a California Limited
Liability Company

By:


Robert Klinek, Managing Member

1188 Borden LLC, a California limited
liability company

By:


Susan Pack, Managing Member

[Signatures continued on next page.]

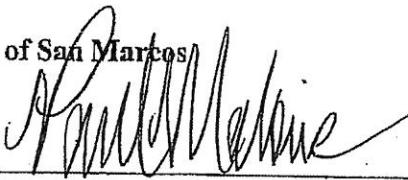
Paul Malone
August 29, 2008
Page 3

Dated: 9/24, 2008

"City"

City of San Marcos

By:


Paul Malone

Paul Malone, City Manager