RESOLUTION PC 15-4460

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A SPECIFIC PLAN FOR A SINGLE-FAMILY SUBDIVISION IN THE RICHMAR NEIGHBORHOOD

SP 14-004
P14-0027
Orlando Company

WHEREAS, on May 19, 2014 an application was received from the Orlando Company requesting a Specific Plan for up to nineteen (19) single-family lots, in conjunction with Tentative Subdivision Map (TSM 14-005), located on the west side of N. Twin Oaks Valley Road, between Windy Way and Legacy Drive, more particularly described as:

> Lot 5, Block 49 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 Number: 218-110-05.

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

WHEREAS, a public workshop with the general public was held on December 10, 2014; and

WHEREAS, the required public hearing held on March 16, 2015 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 15-001) 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 Specific Plan complies with the objectives of the adopted City-wide Land Use Policy Plan in that the project is identified as Focus Area 46 with a designation of Specific Plan Area (SPA), Very Low Density Residential (VLDR) (2.1 to 4.0 dwelling units per acre). The General Plan requires approval of a Specific Plan for the subject property which will establish development criteria for the

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proposed subdivision including incorporation of a landscape buffer between the proposed residences and the adjacent light industrial park to the south.

2. The proposed Specific Plan will not be detrimental to the public health, safety, morals, and welfare in that the single-family subdivision will be conditioned through a Specific Plan for architectural treatment, minimum lot size, setbacks, landscaping, parking, and adequate public facilities and infrastructure, including fire, police, water, sewer, and street improvements.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.

2. Mitigated Negative Declaration (ND 15-001) is hereby approved.

3. This Specific Plan (SP 14-004) is hereby recommended to the City Council for approval.

4. This Specific Plan (SP 14-004) is approved in conjunction with the submitted Tentative Subdivision Map (TSM 14-005) and all conditions of approval specified in Resolution PC 15-4461 are hereby incorporated by reference herein.

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

6. To the extent permitted by law, the Applicant 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 16th day of March, 2015, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

_____

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 15-4461

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR UP TO NINETEEN (19) LOTS WITHIN THE SPECIFIC PLAN AREA (SPA) ZONE

TSM 14-005
P14-0027
Orlando Company

WHEREAS, on May 19, 2014 an application was received from the Orlando Company requesting approval of a Tentative Subdivision Map (TSM) for up to nineteen (19) single-family lots, in conjunction with a Specific Plan (SP 14-004), on a 4.90-acre property located on the west side of N. Twin Oaks Valley Road, between Windy Way and Legacy Drive, within the Specific Plan Area (SPA) Zone, more particularly described as:

> Lot 5, Block 49 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 Number: 218-110-05-00.

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

WHEREAS, a public workshop with the general public was held on December 10, 2014; and

WHEREAS, the required public hearing held on March 16, 2015 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 15-001) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

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

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

1. The Tentative Subdivision Map is in conformance with the goals, policies, and objectives of the General Plan in that it provides a single-family residential use in an area of the City designated for single-family residences with a density not to exceed 3.9 dwelling units per acre.

2. The site is physically suitable for this type of subdivision and the proposed density of development is within the allowed density for the City's General Plan.

3. The design or improvements will not conflict with any easements acquired by the public at large for access.

4. The design of the subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.

5. The design of the subdivision and improvements will not cause significant unmitigated environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the environmental assessment prepared for the development.

6. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.

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

A. The foregoing recitals are true and correct.

B. The Tentative Subdivision Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.

C. A Mitigated Negative Declaration (ND 15-001) for this project is hereby adopted pursuant to the California Environmental Quality Act (CEQA).

D. The Tentative Subdivision Map is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution.

E. Within ten (10) days after the adoption of this resolution, any person who has written or spoken at the Planning Commission hearing may appeal the foregoing finding of this Commission to the City Council. No final map shall be approved, no grading permit issued, and no building permits issued for permits, other than temporary uses, until after the expiration of the tenth (10^{th}) day following the adoption of this Resolution, or if an appeal

was taken, until the City Council has sustained the determination of this Commission.

F. The approval of this Tentative Subdivision Map shall expire within twenty-four (24) months from date of Planning Commission approval. The Final Map, conforming to this conditionally approved Tentative Subdivision Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Subdivision Map and new processing of the map.

G. Within thirty (30) days of the approval of SP 14-004 and TSM 14-005, the revised plans (i.e.: site plan, elevations, landscape plans, etc.), as conditioned, shall be submitted as a digital file and original mylar along with a mylar of the approving resolutions as the title page. This title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolutions PC 15-4460 and PC 15-4461." 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 mylars shall be approved by the City prior to any final map, grading plan, improvement plan, or building permit submittal.

H. The Tentative Subdivision Map is approved in conjunction with the submitted Specific Plan (SP 14-004) and all conditions of approval specified in Resolutions PC 15-4460 are hereby incorporated by reference herein.

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

1. On Sheet 1, shrubs shall be shown, in addition to ground cover, within the landscape strip between the curb and sidewalk along Street "A". This landscape strip shall be maintained by the Home Owners Association (HOA).

2. On Sheet 1, a sixty (60) inch box tree shall be shown at the subdivision entry on each side of the street. Construction landscape plans shall be consistent in number and sizes of trees as shown on the conceptual landscape plans.

3. On Sheet 1, labels identifying HOA maintained slopes for the slopes along the northern and western property lines and between the lots shall be removed.

4. On Sheet 1, the existing fence/retaining wall along the southern property line shall be identified.

5. On Sheet 2, pilasters shall be shown in Detail A for the tubular steel fencing.

6. On Sheet 2, pilasters shall be covered with stone veneer and a decorative cap. A

material sample shall be submitted to the Planning Division for review and approval prior to issuance of grading permit.

7. On Sheet 2, the fencing proposed in Details A and B shall be identified as six (6) feet in height.

8. On Sheet 2, walls proposed in Details C1 and C2 shall be identified as six (6) feet in height.

9. On Sheet 2, walls proposed in Details C1 and C2 shall be tan colored.

10. On Sheet 2, symbols shall be shown for each plant type in the legend and corresponding location on the site plan.

11. On Sheet 2, minimum size shall be indicated for each plant type and spacing.

12. On Sheet 2, the height and spread of trees shall be indicated as the minimum height and spread at time of planting in accordance with City Minimum Tree Standards (City Council Resolution 2001-5747).

13. On Sheet 3, the masonry wall and/or combo wall with plexi-glass proposed along the eastern property lines of Lots 1 and 19 shall be six (6) feet in height.

14. Water quality and hydro-modification management landscape details, such as efficient irrigation and/or bio-retention facilities, shall be coordinated with the Water Quality Improvement Plan (WQIP) and incorporated as part of the landscape plan as required by the Municipal Storm Water Permit.

15. Root barriers shall be required for all street trees, adjacent to the hardscape, along N. Twin Oaks Valley Road and Street A.

J. Developer/Applicant shall comply with all provisions and requirements set forth in the San Marcos Municipal Code (SMMC), City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.

K. The subdivider shall ensure that prospective purchasers sign disclosures identifying the property as being within the City's Community Facilities Districts for which there are additional tax assessments.

L. Prior to recordation of Final Map, the following conditions shall be complied with:

1. This project applicant shall apply for a public improvement permit complaint with SMMC 14.16. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the

conditions contained herein. All appropriate fees shall be paid for the processing of the permit.

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

3. The subdivider shall irrevocably offer to dedicate to the City of San Marcos Street "A" for right-of-way purposes. Minimum right-of-way width and cul-de-sac radius shall be sixty (60) feet in accordance with the City's Urban Street Design Criteria. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.

4. The subdivider shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.

5. The Final Map shall include a statement to indicate that all streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by an Individual Homeowners Association/Master Homeowners Association.

6. An exhibit shall be submitted to the City for review and approval which delineates all HOA maintained areas.

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

   a. CFD 98-01 - Improvement Area No. 1, Police
   b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
   c. CFD 2001-01 – Fire and Paramedic

   No permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation, the subdivider may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The subdivider shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to

future owners and/or residents.

8. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Director of Planning prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the subdivider decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Director of Planning. Other conditions may be imposed by the City Engineer and Director of Planning to allow out-of-phase construction.

9. The Final Map shall show the gross and net acreage of all parcels created. The minimum lot size (net) for the single-family lots is 6,000 square feet.

10. Side yards shall have a minimum of three (3) feet of level open space between the building footprint and any slope or retaining wall in conjunction with the required building setback of five (5) feet from property line for a side yard per the approved Specific Plan.

11. The subdivider shall submit a traffic control plan to the Public Works Inspection Section for all phases of construction for approval by the City Engineer. Said plan shall include all traffic control devices including traffic signals as required.

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

13. Lot lines shall be as near radial as possible to street right-of-way at cul-de-sacs and knuckles as possible, and shall not exceed more than ten (10) degrees from radial from right-of-way except as approved by the City Engineer.

14. The subdivider shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map. The names provided shall be subject to review and approval by the City's Street naming Committee.

15. Private Street "A" is to be maintained through a "Private Road Maintenance Agreement". The individual property owners served by Private Street "A" shall enter into a recorded joint maintenance agreement to ensure adequate maintenance of all improvements within the boundaries of the private street. A note to this effect shall be added in a conspicuous place on the Final Map.

16. 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.

17. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed at the intersection of the private street and North Twin Oaks Valley Road and within the cul-de-sac as specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street Lighting Standards.

18. The street light in the cul-de-sac shall be shielded to direct light downward and reduce glare.

19. Sidewalks along North Twin Oaks Valley Road shall be replaced along the property frontage. Transitions from the replaced sidewalk to existing sidewalk shall be to the nearest joint as directed by the Engineering Inspector.

20. Maintenance of private road, open space areas and slopes shall be the responsibility of an Individual Homeowners Association/Master Homeowners Association.

21. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the [developer/applicant] shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the planning division director.

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

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

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

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

2. An updated report for the 2014 geotechnical investigation shall be submitted to the City Engineer for review and approval, addressing any changes of on-site conditions and said report shall include recommendations for cut and fill slopes and compaction.

3. All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.

4. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.

5. If proposed for grading operations, the use of a rock crusher(s) on site shall require approval of a Conditional Use Permit (CUP) prior to issuance of grading permit.

6. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Storm Water Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.

7. A hydrology and hydraulic report (calculations) shall be prepared for the proposed project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner. The report shall also include calculations to support the design and function of the post-construction storm water treatment and/or hydromodification management improvements required for compliance with the currently adopted NPDES permit. This report shall be subject to approval of the City Engineer.

8. The hydrology report shall include for the proposed project a separate Best Management Practices (BMP) section with all calculations and modeling files, data and assumptions to mitigate for water quality and hydromodification effects in accordance with the City's adopted NPDES Permit. From June 27, 2013 to December 24, 2015, the design standard is the January 14, 2011 City of San Marcos

SUSMP in accordance with Order R9-2007-0001. After December 24, 2015, a new water quality and hydromodification mitigation design standard is scheduled to go into effect in accordance with Order R9-2013-0001.

9. The applicant/developer shall be responsible for mitigating impacts created by changes in drainage runoff course, water quality, hydromodification, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the applicant/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.

10. The applicant/developer shall submit Water Quality Improvement Plans (WQIP) to reflect the latest City of San Marcos Storm Water Standards Manual guidelines. Site Design BMPs shall be utilized. The WQIP shall address the Best Management Practices (BMPs) to be utilized for each phase. Said WQIP shall be to the satisfaction of the City Engineer.

11. The applicant/developer shall submit to the City for review and approval, a Water Quality Improvement Plan (WQIP) that identifies affected receiving water bodies, applicable water-quality objectives and pollutants of concern, and estimates post-construction discharge rates (with all BMPs in place) and explains why the projected pollutant loads will not cause a violation of the water quality objectives.

12. The applicant/developer shall submit, for City review and approval, a mechanism which will ensure on-going long-term maintenance of all construction BMPs. Said mechanism shall address maintenance of the BMPs if project delays or abandonment occurs until the site has reached stabilization in accordance with the City's requirements and the General Construction Permit requirements and filed a Notice of Termination with the San Diego Regional Water Quality Control Board (SDRWQCB) with proof of acceptance by the SDRWQCB.

13. The applicant/developer shall submit Water Quality Improvement Plans (WQIP) and calculations that will include Water Quality Treatment, Hydromodification, Site Design, Source Control, LID, and Operation and Maintenance technical summaries to reflect the latest City of San Marcos Storm Water Standards Manual guidelines and the NPDES permit. Low Impact Development standards and Hydromodification requirements will be applicable. The WQIP shall address the Best Management Practices (BMPs) to be utilized. The applicant is required to demonstrate numeric compliance with the current NPDES permit in accordance to the effective design standard. Said WQIP shall be prepared by a registered civil engineer with required supporting calculations included in a separate section the drainage study and shall be to the satisfaction of the City Engineer. The project landscape architect and architect shall sign their respective design plans certifying that constructed BMPs have been incorporated into the landscape and building plans.

14. The WQIP shall identify affected and 303(d) receiving water bodies, applicable

water-quality objectives (Regional Water Quality Control Board (RWQCB), TMDLS and pollutants of concern for the project type, and estimates post-construction discharge rates (with all BMPs in place) and demonstrate that the project pollutant loads will be treated in accordance with Order R9 2013-001 or current MS4 permit and will not cause a violation of the water quality objectives. The structural treatment and hydromodification controls shall remove project pollutants anticipated to be generated by the project and downstream impaired water bodies listed by the SWRCB 303(d) to a medium removal efficiency or better for the pollutants of concern.

15. The WQIP shall be prepared in conjunction with the grading plans and included as part of the grading plans. The grading plans, landscape plans, and building plans shall be reviewed by the City for substantial conformance with the approved WQIP. Developer shall provide geotechnical permeability confirmation required by the City's current SUSMP for either use of all infiltration BMPs or for not using infiltration BMPs.

16. The applicant/developer shall submit to the City for review and approval a BMP sheet(s) that includes a combination of BMPs in accordance to the City's latest Storm Water Standards Manual requirements and the California Regional Water Quality Control Board, San Diego Region, NPDES permit. Each structural treatment control 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, retention times for each BMP
    i. Area of project treatment for each BMP

17. A unique BMP ID number shall be assigned by the City and shall be shown on the BMP sheet.

18. The grading plans shall contain Water Quality Improvement Plan (WQIP) drawings as part of the permit. The plans shall demonstrate compliance with the City's Jurisdictional Urban Runoff Management Plan (JURMP).

19. The property owner shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water treatment improvements. The agreement and easement shall be in a form acceptable to the City Attorney.

20. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.

21. Any easements necessary for fuel management, as determined by the fire marshal shall be approved by the City of San Marcos and recorded prior to the issuance of a grading permit. Prior to any map or grading plan submittals being accepted by the City, the subdivider shall provide documentation that adjacent property owners have agreed to grant fuel modification easements, as applicable.

22. Fire hydrants with an adequate water supply shall be installed at locations approved by the San Marcos Fire Department. The hydrant for this project shall be placed between Lots 13 and 14 on the north side of the private road. Hydrant type shall be Jones with one 4" & one 2 ½" outlet. Fire flow requirement shall be minimum 1,500 gpm for two hours with a 20 psi residual pressure. Fire hydrants shall be in place and serviceable prior to delivery of combustible construction materials to the site.

23. In the design of the permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way to avoid reconstruction or modification of same.

24. Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 1st to September 15th. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.

25. The applicant/developer shall secure off-site mitigation land in a City-approved mitigation bank for impacts to 2.06 acres of Non-Native Grassland (NNG) using a mitigation ratio of 0.5:1 prior to grading permit issuance. A copy of the transaction shall be submitted to the Planning Division prior to issuance of grading permit.

26. A focused survey for Thread-Leaved Brodiaea (*Brodiaea filifolia*) shall be conducted during the flowering season (March to June) to determine if this species is present on site. If present, then mitigation measures shall be developed in consultation with the U.S. Fish & Wildlife Service (USFWS) to reduce potential

impacts to a level below significance. The focused survey shall be conducted prior to issuance of grading permit or other disturbance of the site.

27. All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. Pilasters shall be covered with stone veneer. The applicant shall submit material samples to the Planning Division for review and approval prior to issuance of grading permit.

28. The applicant and/or developer shall submit architectural elevations with a minimum of three (3) elevations for each floor plan to the Planning Division for review and approval prior to issuance of grading permit. Architectural enhancements shall include, but are not limited to, the following: varied floor and roof plans, pop outs and wall projections, and features such as stone, brick, wood, shutters, rafters, window sills, and trims. Front elevations of the proposed residences shall have enhanced architectural features, and the side elevations for Lots 1 and 19, facing N. Twin Oaks Valley Road, and the rear elevations for Lots 1, 2, and 19 shall also be enhanced. The proposed residences shall be architectural compatible with each other and the surrounding neighborhood. The future residences shall require architectural review and approval by the Planning Division Director prior to issuance of grading permit. The submittal shall include a color/materials board for the proposed residences.

29. The applicant shall enter into a pre-excavation agreement with a Luiseno tribe to provide for the following:

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

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

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

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

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

f. In the event the project requires the import of fill onto the site, said material shall be clean of cultural resources and documented as such.

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

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

i. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San

Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must them immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.

j. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the Developer, the Project Archaeologist, and the Luiseño Tribe under the required Agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the Project Archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Director for decision. The Planning Director shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Director shall be appealable to the Planning Commission and/or City Council.

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

a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect. Landscape plans shall incorporate all modifications as conditioned.

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

c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall

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

d. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, Section 20.330 of the San Marcos Municipal Code.

e. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Water Quality Improvement Plans.

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.

g. The applicant shall submit a fencing plan, in conjunction with the landscape plan, for the nineteen (19) new residences which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing.

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

1. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.

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

3. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.

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

5. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.

6. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.

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

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

9. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate what features are standard, limited, optional, or not available, and the point of construction by which they must be requested.

10. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.

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

12. 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.

13. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.

14. The project is approved as a single project with no phases. If phasing is desired, a phasing plan shall be submitted to the Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in Phase 1. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.

15. 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.

16. Per the recommendations of the noise analysis, a six (6) foot high masonry sound wall or combination of masonry and acrylic-glass wall shall be shown on building plans along the eastern property line of Lots 1 and 19.

17. HVAC units shall be shown on building plans at least nine (9) feet from property lines unless a 6-foot high masonry wall is constructed between the unit and the adjacent single-family lot. If quieter HVAC units are proposed than that analyzed in the RECON noise study (dated 1/16/15), then a supplemental analysis shall be submitted prior to issuance of building permit to substantiate the quieter equipment will comply with the 50 dBA noise limit for nighttime hours at the property line.

18. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.

19. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.

20. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.

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

22. 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.

23. The Final Map shall be recorded prior to issuance of any building permit.

24. The base lift of asphalt on all roads serving the area under construction shall be completed.

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

26. Building address shall be clearly identified on plans for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).

O. During the construction phase, the following conditions shall be complied with:

1. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.

2. 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 and Health and Safety Code Section 24400. Water well permits are issued by San Diego County Environment Health Department.

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

6. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00

AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.

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

8. The applicant 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.

9. Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.

10. 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.

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

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

13. At least one copy of the approved plans, approval letters and conditions of approval shall be available for review at the job site at all times.

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

1. All landscaping for the slopes, bio-retention basin and street trees shall be installed according to the approved landscape plans, and inspected by the Planning Division for approval. Landscaping shall be established and flourishing in a healthy manner. The applicant/developer shall be responsible to contact the Planning Division for

inspection. Said landscape areas shall not be transferred over to the responsibility of the Home Owners Association (HOA) until inspected and approved by the City.

2. The applicant shall submit a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.

3. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.

4. Building address shall be clearly labeled for day and night-time emergency responses.

5. "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 grading and improvement plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the original utilities plan sheets. No securities shall be released until the completion of "As-Built" plans.

6. The applicant/developer shall post a security with the City in an amount approved by the City Engineer for the warranty of all (dedicated) public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.

7. Annexation proceedings with respect to Community Facility Districts shall have been completed. No occupancy shall be granted prior to the canvassing of the election results for all applicable Community Facility Districts.

8. Street "A" shall be constructed to public street standards within the subdivision frontage based on a curb-to-curb (right-of-way) width of forty (40) feet, with all pavement sections shall be constructed to ultimate structural section, as approved by the City Engineer.

9. All on-site drainage shall be constructed in accordance with City Standards and privately maintained.

10. Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lots.

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

12. All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block.

13. The applicant/developer shall construct a nine and one half feet (9.5 ft) wide parkway to accommodate the general utility easement. Said construction shall be behind, and adjacent to, the street curb.

14. The applicant/developer shall install all approved Water Quality Improvement Plan (WQIP) Structural Best Management Practices as approved by the City Engineer.

15. A light emitting diode street lighting system shall be installed as approved by the City Engineer.

16. The Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be installed as approved by the water agency.

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

Q. The applicant/developer shall disclose to future residential owners of the proposed project that the property is located within the Airport Influence Area of McClellen-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).

R. 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.

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

T. 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 16th day of March, 2015, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

_____

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

_____

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION