

RESOLUTION PC 16-4544

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR 189 SINGLE-FAMILY RESIDENTIAL LOTS AND 4 OPEN SPACE LOTS WITHIN THE SAN MARCOS HIGHLANDS SPECIFIC PLAN AREA (SPA)

TSM 13-001
P13-0009
Farouk Kubba

WHEREAS, on February 13, 2010 an application was received from Farouk Kubba requesting approval of a Tentative Subdivision Map (TSM) for 189 single-family residential lots and 4 open space lots, in conjunction with Specific Plan Amendment (SP 13-001), Conditional Use Permit (CUP 13-010), Ridgeline Development Permit (ROZ 14-001), Prezone (PZ 14-001), and General Plan Amendment (GPA 15-002), on 262 acres located at the northern terminus N. Las Posas Road within the San Marcos Highlands Specific Plan Area (SPA), more particularly described as:

Portion of Sections 34 & 35, Township 11 South, Range 3 West, San Bernardino Meridian in the County of San Diego, State of California.

Assessor's Parcel Numbers: 182-110-02-00, 182-110-03-00, 182-111-01-00, 184-101-14-00, 184-240-13-00, 184-240-14-00, 184-240-15-00, 184-240-32-00, 184-240-33-00, 184-241-05-00, 184-241-06-00, 184-241-07-00, & 184-241-08-00.

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

WHEREAS, public workshops with the general public were held on June 26th, July 31st, August 28th, and December 16th of 2013; and

WHEREAS, the required public hearing was continued from January 6, 2014; and

WHEREAS, a Mitigated Negative Declaration (ND 13-010) was prepared and circulated for public review, but based upon public review comments received, an Environmental Impact Report (EIR 15-001) was required to be prepared by the City; and

WHEREAS, the required public hearing on January 13, 2014 was tabled; and

WHEREAS, a Notice of Preparation Scoping Meeting and public workshop was held with the general public on August 28th and October 8th of 2014, respectively; and

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WHEREAS, the required public hearing held on September 6, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider an Environmental Impact Report (EIR 15-001, State Clearinghouse No. 1999071007) 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 applicant/developer proposes to file a Final Map of said subdivision;

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

1. The Tentative Subdivision Map is in conformance with the goals, policies, and objectives of the General Plan Land Use Element in that it provides a single-family residential use in the College Area Neighborhood of the City designated as the San Marcos Highlands Specific Plan Area (SPA) which allows up to 230 single-family dwelling units; and the Parks, Recreation, and Community Health Element in that the proposed subdivision will include a future public park and trail connections which are identified for the subject property; and the Conservation and Open Space Element in that the proposed project preserves 72% of the site in permanent open space, including 27.5 acres of contiguous off-site open space area, and incorporates a wildlife corridor connection and habitat linkage, and protects scenic resources by preserving on-site primary and secondary ridgelines in their natural state.
2. The Planning Commission recommends approval of the grant of the conservation easement, having received and considered the proposal to do so and based on the following findings:
 - a. That the preservation of the land as open space is consistent with the General Plan in that the proposed project preserves 72% of the site in permanent open space, including 27.5 acres of contiguous off-site open space area, and incorporates a wildlife corridor connection and habitat linkage, and protects scenic resources by preserving on-site primary and secondary ridgelines in their natural state; and
 - b. That the preservation of the land as open space is in the best interest of the city and is important to the public for the enjoyment of scenic beauty and for recreation, specifically because one or more of the following reasons exists:
 - (1) That the land is essentially unimproved and if retained in its natural state has scenic value to the public in that it preserves primary and secondary

ridgelines as identified by the Ridgeline Ordinance and is valuable as a wildlife preserve in that it preserves and restores habitat and a preserves a wildlife corridor and habitat linkage, and the instrument contains appropriate covenants to that end.

- (2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.
 - (3) The land lies in an area that in the public interest should remain rural in character and the retention of the land as open space will preserve the rural character of the area.
 - (4) The land is valuable to the public as a wildlife preserve or sanctuary and the instrument contains appropriate covenants to that end.
 - (5) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.
3. The site is physically suitable for this type of subdivision and the proposed 189 single-family lots is within the allowed density for the City's General Plan which allows up to 230 dwelling units.
 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 safe water and sanitary sewer services are provided to the site.
 6. The design of the subdivision and improvements will not cause significant unmitigated environmental damage and will not substantially and unavoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the Environmental Impact Report (EIR 15-001, State Clearinghouse No. 1999071007) prepared for the development in compliance with the provisions of the California Environmental Quality Act.
 7. 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. An Environmental Impact Report (EIR 15-001, State Clearinghouse No. 1999071007) for this project is hereby recommended to City Council for approval pursuant to the California Environmental Quality Act (CEQA).
- D. The Tentative Subdivision Map is hereby recommended to City Council for approval 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 Subdivision Map shall expire within twenty-four (24) months from the date of the City's acceptance of the Local Agency Formation Commission (LAFCO) annexation or thirty-six (36) months from City Council approval of the Tentative Subdivision Map (whichever date comes first). 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 applicant/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.
- F. Prior to submittal of grading plans, the revised Tentative Subdivision Map as conditioned shall be submitted as a digital file on a CD including 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 16-4543 (SP 13-001), PC 16-4544 (TSM 13-001), PC 16-4545 (CUP 13-010), PC 16-4546 (ROZ 14-001), PC 16-4547 (PZ 14-001), and PC 16-4548 (GPA 14-002)." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any final map, grading plan, improvement plan, or building permit submittal.
- G. The Tentative Subdivision Map is approved in conjunction with the submitted Specific Plan Amendment (SP 13-001), Conditional Use Permit (CUP 13-010), Ridgeline Development Permit (ROZ 14-001), Prezone (14-001), and General Plan Amendment (GPA 15-002), and all conditions of approval specified in Resolutions PC 16-4543, PC 16-4545, PC 16-4546, PC 16-4547, and PC 16-4548, respectively, are hereby incorporated by reference herein.
- H. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions or as authorized by the San Marcos Highlands Specific Plan, 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.

- I. Prior to submittal for any final map or grading plans, the applicant/developer shall comply with the following conditions:
 1. The boundary adjustment(s) as identified on the tentative subdivision map shall be recorded with the County.
 2. The applicant/developer shall complete annexation of that portion of the project within the County into the City of San Marcos and all applicable utility and fire service boundary adjustments through the Local Agency Formation Commission (LAFCO), recordation by the County Recorder, and State Board of Equalization approval.
- J. General Provisions:
 1. The applicant/developer shall ensure prospective buyers sign disclosures identifying the property as being within the City's Community Facilities District (CFD) for which there are additional tax assessments. The disclosure shall indicate what the projected assessments are anticipated to be, both in the near future and at ultimate subdivision build-out.
 2. No engineering permit shall be construed as providing exemption to applicable or adopted city standards. Any changes or modifications to City adopted, obligatory, or conditioned standards shall not occur without the explicit permission of the City Engineer or his designee. Where these standards are in conflict the applicant/developer shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued or as authorized by the San Marcos Highlands Specific Plan, no variance from City Standards is authorized by virtue of approval of this project of issuance of an engineering permit.
 3. All storm drains conveying public drainage shall be public and shall be constructed with reinforced concrete pipe (RCP) unless otherwise approved by the City Engineer.
 4. The alignment and terminal point of storm drains shown on the tentative map shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.
 5. Public drainage easements shall be depicted on all public storm drains and their widths shall comply with the latest County of San Diego Drainage Design Manual. Easements shall be monumented along the boundaries as approved by the City Engineer. Additional access easements shall be provided when necessary to ensure adequate access to the storm drain facilities by the responsible maintenance party.
 6. The design 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. All private streets

and/or drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds shall be posted with the City prior to approval of the Final Map for each Map Unit.

7. The exact depth of street structural section and sub-grade requirement shall be determined based on sub-grade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria". Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
8. 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.
9. The applicant/developer shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, traffic signals, storm drain facilities, water quality BMP's, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "approved" public improvements within a period to be specified in the Subdivision Improvement Agreement. For grading securities, the City may require 10% of said securities to be in the form of cash. Improvements securities shall be approved by the City prior to approval of a final map. Grading securities shall be approved by the City prior to issuance of a grading permit.
10. The approval of this tentative subdivision map does not provide vested rights for the storm water regulations currently applicable to developments. All development must comply with the storm water regulations applicable at the time of approval of the corresponding grading permit application.
11. The applicant/developer shall provide design documents with an Operation and Maintenance Plan to reflect compliance with the latest City of San Marcos Storm Water Standards Manual guidelines and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 (or most current permit). If the project is phased, the design documents shall address the Best Management Practices (BMP's) to be utilized for each phase. Said design documents shall be prepared by a registered civil engineer and shall be to the satisfaction of the City Engineer. The project landscape architect shall sign the pertinent design document sheets certifying the BMP's have been incorporated into the landscape plans.
12. The applicant/developer shall comply with any applicable regulatory permit requirements prior to transferring any maintenance responsibilities to the Home Owners Association.
13. The Home Owners Association (HOA) is required to provide written notification to

the City when they assume water quality Best Management Practice (BMP) maintenance responsibilities from the applicant/developer.

14. The applicant/developer shall comply with all regulatory permit requirements associated with this development project.
 15. Prior to the recordation of the applicable final map, a public access agreement shall be recorded between the City and Conservancy for any public access trails being maintained by a conservancy.
 16. The project is subject to the approval of the Vallecitos Water District (VWD) and Vista Irrigation District (VID) for water and sewer services.
 17. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
 18. Improved public trail easement widths shall be wide enough to accommodate trail surfaces and amenities such as drainage, landscaping, fencing, walls.
 19. The tentative subdivision map conditions assume development will be phased starting with Unit No. 1 and ending with Unit No. 7 consecutively. A phasing plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to approval of the first grading permit. The phasing plan may be subject to further conditions or phased conditions. Should the applicant/developer decide to develop phases out of numerical sequence with the approved phasing plan additional conditions or times for completion of project infrastructure and/or amenities may be imposed by the City Engineer and Planning Division Manager to allow for out-of-phase construction.
 20. The applicant/developer shall comply with all mitigation measures required in the Final Environmental Impact Report (EIR 15-001, State Clearinghouse No. 1999071007).
- K. Prior to any construction or activity on-site, the applicant/developer shall comply with the following conditions:
1. The applicant/developer shall enter into a pre-excavation agreement with a Luiseno tribe to provide 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 are protected.
 - b. Prior to beginning project construction, the applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground-

disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation and take into account tribal customs and traditions.

- c. At least 30 days prior to beginning project construction, the applicant/developer shall enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseño Tribe. The Luiseño Tribe shall provide input into the scope and content of the Agreement. At minimum, 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 would 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 would be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities. The Luiseño Native American monitor shall be present at any pre-construction meeting that addresses earth and/or ground disturbing activities.
- e. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and, if appropriate, 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. Such treatment may include, but does not require, curation at a facility that meets the criteria contained in 36 C.F.R. Part 79, or if requested by the appropriate Tribe, re-burial on-site, i.e., a non-curation alternative. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods would be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

- f. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
 - g. If inadvertent discoveries of subsurface archaeological/cultural resources, not including human remains or associated burial goods, are discovered during grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues would be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council. If tribal cultural resources are inadvertently discovered during the project's earth and/or ground disturbing activities, a controlled grade may be required. A controlled grade procedure would require that earth and/or ground disturbing equipment operate at a deliberate pace, in a specialized manner and work in controlled increments as determined by the Native American monitor and Project Archaeologist. Equipment would need to meet specific requirements regarding weight, attachments and type of wheels.
 - h. Fill material brought onto the project site shall be clean of cultural resource material. The fill material shall be analyzed and confirmed by an archaeologist and/or Luiseño Native American monitor.
2. A qualified paleontologist shall be retained by the applicant/developer to implement an appropriate paleontological mitigation program which includes the following measures:
- a. The paleontologist shall monitor construction excavations which impact previously undisturbed sediments of the Santiago Peak Volcanics, as well as deposits of colluviums and alluvium. The paleontologist shall initially monitor the excavation on a part time basis, which may be reduced depending on the sediments excavation and if any fossils are being encountered. If the paleontologist encounters any significant fossils, they shall be salvaged.
 - b. The paleontologist shall be allowed to divert or direct grading activity in the

area of an exposed fossil to prevent the fossil from being destroyed.

- c. Because of the small nature of some fossils present in these rock units, it may be necessary for matrix samples to be collected for processing through fine mesh screens.
 - d. If found, fossils shall be prepared to the point of identification, stabilized, mapped on a USGS topographic map, and cataloged before they are donated to their final repository.
 - e. All significant fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the San Diego Natural History Museum. The institution selected must be capable of curating specimens, field notes, geologic maps, and stratigraphic sections, as well as allows for retrieval of specific specimens by researchers in the future.
 - f. On the completion of all laboratory and field work, a final paleontological mitigation report shall be prepared and filed with the client, the fossil repository and the lead agency.
3. If construction is proposed during the breeding season (February 15 through September 15), a pre-construction survey shall be performed by a qualified biologist to determine if any birds are nesting within or immediately adjacent to the impact area. The survey must be conducted no more than three days prior to commencing project activities. If surveys show that nesting birds are present, a no-work buffer would be placed around the nest. The buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.
4. Protocol surveys shall be conducted for specific bird species as follows:
- a. Prior to project grading, the applicant/developer shall conduct U.S. Fish & Wildlife Service (USFWS) presence/absence protocol coastal California gnatcatcher surveys. The surveys shall be conducted within the 12-month period prior to project grading. Pursuant to the Biological Opinion issued by the USFWS, results of the surveys shall be submitted to U.S. Army Corps of Engineers (USACE), the Wildlife Agencies and the City of San Marcos Planning Division Manager. If the preconstruction survey identified nesting gnatcatchers on the project site, clearing and grubbing activity would cease within 300 feet of the nest until such time as the nest is no longer active. To reduce potential noise impacts to nesting gnatcatchers, a qualified acoustician shall monitor the project site and vicinity for listed birds during initial grading, and on a monthly basis thereafter to determine if any nests are

within a distance potentially affected by noise from grading, clearing, or construction activities. If nesting birds are located adjacent to the project site with the potential to be affected by construction activity noise above 60 dBA Leq, a noise barrier shall be erected. This noise barrier shall consist of a 10-foot-high continuous plywood fence supported by posts or an earthen berm located at the site boundary that abuts potential off-site habitat. If 60 dBA Leq is exceeded the acoustician shall require the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA during the breeding season (February 15 through September 15). Noise monitoring shall occur during operational changes and installation of barriers, as needed, to ensure their effectiveness.

- b. Prior to project grading, the applicant/developer shall conduct USFWS protocol least Bell's vireo surveys. The surveys shall be conducted within the 12-month period prior to project grading. Results of the surveys shall be submitted to USACE, the Wildlife Agencies, and the City of San Marcos Planning Division Manager. If least Bell's vireo are found to be nesting within the area to be disturbed, clearing and grubbing activity would not be allowed within 500 feet of active territories until such time as the nest is no longer active. Alternatively, noise mitigation (e.g., berm, temporary barrier) may be implemented to achieve noise levels of 60 dBA or less at the nest.
 - c. Prior to project grading, the applicant/developer shall conduct USFWS protocol southwestern willow flycatcher surveys. The surveys shall be conducted within the 12-month period prior to project grading. Results of the surveys shall be submitted to USACE, the Wildlife Agencies, and the City of San Marcos Planning Division Manager. If southwestern willow flycatchers are found to be nesting within the area to be disturbed, clearing and grubbing activity would not be allowed within 500 feet of active territories until such time as the nest is no longer active. Alternatively, noise mitigation (e.g., berm, temporary barrier) may be implemented to achieve noise levels of 60 dBA or less at the nest.
5. A Wildlife Agency approved biological monitor shall be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor shall have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions in non-compliance with the permits and construction documents shall be immediately brought to the attention of the City, USACE, and the Wildlife Agencies.
6. To ensure preservation and management of the proposed preserved areas in perpetuity consistent with Multiple Habitat Conservation Program (MHCP) guidelines, the following shall occur prior to initial vegetation clearing:

- a. Conservation easements shall be recorded over the 210.8 acres to be preserved, including the 4.7 acres off site adjacent to the northern property boundary following the purchase from the current owner.
 - b. Designation of an experienced natural lands manager by the applicant/developer approved by USACE, the USFWS, and the City of San Marcos Planning Division Manager.
 - c. Funding of a non-wasting endowment at an amount to be determined through the preparation of a Property Analysis Record (PAR), or similar analysis.
7. The applicant/developer shall obtain approval of a Final Habitat Monitoring and Management Plan (HMMP) from the regulatory agencies which incorporate the following conditions:
 - a. The Final HMMP shall include the approved project description for the project, including impacts and proposed mitigation.
 - b. The direct impact to 77.36 acres of Coastal Sage Scrub (CSS) and 1.84 acres of baccharis dominated CSS shall be mitigated at a 2:1 ratio for a total of 158.34 acres. This shall be accomplished through the preservation of CSS within a biological conservation easement on the project site.
 - c. The direct impact to 0.06 acres of herbaceous wetland shall occur during implementation of the HMMP. This direct impact shall be mitigated at a 3:1 ratio for a total of 0.18 acres. This shall be accomplished through restoration, enhancement and/or creation of wetland habitat and placement of wetland habitat in a biological conservation easement. The wetland mitigation shall be performed in accordance with the draft HMMP for the project, as refined by USACE, and the Wildlife Agencies through the permitting process. The HMMP also identifies the required management and success criteria for the proposed mitigation.
 - d. Graded slopes outside the fuel modification zone adjacent to natural open space areas shall be revegetated with CSS species (specifically, this includes the slope along the western side of the Las Posas Road extension adjacent to Agua Hedionda Creek). In addition, the off-site 4.7-acre easement area shall require removal of exotic species, seeding with native species, and/or spreading of CSS duff for preservation that shall allow the project to maintain a minimum 500-foot wide habitat linkage along the northern project boundary with the exception of a 500 linear foot portion which may have a minimum width of 400 feet.
 - e. The western boundary of the riparian corridor shall be enhanced with plant material and fencing barriers to prohibit intrusion into the corridor from the

roadway and walkways along Las Posas Road as allowed by the regulatory permits issued by the resource protection agencies and the approved fire protection plan.

- f. Trails that pass through areas of sensitive habitat shall include City approved habitat signage to inform users of the sensitive resources and remind the trail user to stay on the established trails. Signage shall be placed in accordance with the Final HMMP and approved by the Planning Division Manager. The Final HMMP shall include a provision to monitor trail usage.
- g. A monitoring/management plan(s) that is consistent with MHCP guidelines and that addresses both the habitat and the species shall be developed and implemented by the natural lands manager or biological consultant in coordination with the USACE, USFWS and California Department of Fish & Wildlife (CDFW). The plan shall include management objectives to determine the distribution and abundance of plants and animals found within the on-site and off-site acquisition parcels and build a baseline database from this information. Management shall include monitoring specific taxonomic groups to determine whether the project site is functioning naturally or if the biological diversity of the project site is being degraded or diminished. All threats shall be monitored and managed appropriately. This plan shall be implemented prior to, or concurrent with, the initiation of construction.
- h. A five-year restoration and monitoring plan for the upland and wetland restoration area shall be developed and submitted to the USACE, CDFW and USFWS for approval prior to any ground disturbance in the CSS and wetland habitats. The plan shall include salvaging on-site plant materials prior to initial clearing and the storage of those materials may be used in the revegetation effort. The restoration/monitoring plan shall include specific replacement planting techniques, timing, success criteria, and an As-Built report.
- i. The Final HMMP shall include measures and demonstrate that adequate funding will be provided to protect and manage the resources on the mitigation land in perpetuity. The final HMMP shall also include biological goals, management objectives, and specific tasks to achieve the objectives; provisions to monitor populations of sensitive and/or listed sensitive species and wildlife movement; control for invasive plants; provide adequate fencing, limit public access; and address any other relevant land/species management issues. The HMMP will be provided to USACE, CDFW, and USFWS for review.
- j. The Final HMMP shall include specific information regarding how the funding for managing and ongoing maintenance/monitoring of the open space will be provided in perpetuity. A Property Analysis Report (PAR) or comparable method shall be completed to identify post-restoration

management of the open space and to determine the amount of funding that will be needed for the perpetual management, maintenance and monitoring of the biological conservation easement areas.

- k. The Final HMMP shall include measures to manage the onsite wildlife connection areas; monitor for listed species known or with potential to occur on the site; conduct rare plant surveys; and monitor and enforce public access.
 - l. The Final HMMP shall include a species monitoring component to monitor the onsite wildlife connection areas, to monitor for listed species known or with the potential to occur on the site, to conduct rare plant surveys, and to monitor and enforce any public access proposed in the open space. Public access to the open space shall be limited to the trails designated by the regulatory permits.
 - m. The Final HMMP shall include monitoring and management at regular intervals to check for animal usage and the need for maintenance of the proposed wildlife culvert that will be installed as part of the project.
 - n. The restoration/revegetation plans for the project shall be prepared by a person with expertise in Southern California ecosystems and native plant revegetation techniques. The plans shall be provided to USACE, CDFW, and USFWS for review and approval prior to implementation. Each plan shall include at a minimum: a) the location of the mitigation site; b) the plant species to be used, container sizes, and seeding rates; c) a schematic depicting the mitigation area; d) planting schedule; e) a description of irrigation methodology; f) measures to control exotic vegetation onsite; g) specific success criteria; h) a detailed monitoring program; i) contingency measures should the success criteria not be met; and j) identification of party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.
- L. Prior to issuance of any grading permit, the applicant/developer shall comply with the following conditions:
- 1. The applicant/developer shall show the limits of work, including construction staging areas, between development areas, natural open space areas, and sensitive plant areas, during the grading and construction phases of the project. Grading plans shall be reviewed and signed by a qualified biologist.
 - 2. Fuel management zones require 150 feet from the perimeter of all structures, except where reduced in accordance with the Fire Protection Plan as approved by the City Fire Marshal. If applicable, off-site fuel management easements from adjacent properties shall be required as determined by the City Fire Marshal. Said easement shall be approved by the City of San Marcos and recorded prior to the issuance of a

grading permit. A letter from the project biologist shall be required which addresses habitat issues for the on-site and off-site fuel management areas. Prior to any map or grading plan submittals being accepted by the City, the applicant/developer shall provide documentation that adjacent property owners have agreed to grant fuel modification easements. Home owners shall be responsible for all required fuel treatment measures on their lot. Fuel treatment zones adjacent to individual lots would be recorded as permanent easements and the San Marcos Highlands Home Owners Association (HOA) would be responsible for enforcement of all required fuel modification treatments on these permanent easements. The HOA is responsible to ensure completion of all required fuel modification treatment.

3. 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. Results of this investigation and recommendations arising there from shall be submitted in the form of a report.
4. 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. Water quality/hydro-modification facilities (LID, site, design, permeable pavers), and infiltration rates where water quality/hydro-modification mitigation facilities are proposed. 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.
5. The applicant/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.
6. All permanent manufactured fill slope banks shall be constructed at a gradient no steeper than 2:1 (horizontal to vertical). The Civil and/or Geotechnical Engineer shall verify slope stability for any cut slope greater than 2:1; in no case shall the cut slope exceed 1.5:1.
7. The applicant/developer shall coordinate with Public Works and Engineering and provide all necessary documentation identifying the specifics for planting any slopes steeper than 2:1. At the discretion of the City Engineer, enhanced landscaping and irrigation requirements may be required to ensure vegetation growth.
8. All slopes that the City agrees to maintain must comply with City's slope criteria for maintenance by Community Facilities District (CFD) 98-02, including access (maintenance & fire protection) and terrace/drainage requirements as set forth per the City's Grading Ordinance unless agreed to by the City Engineer.

9. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (Caltrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
10. 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, San Diego Regional Water Quality Control Board (SDRWCB) 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.
11. The applicant/developer shall submit proof of coverage under the State Water Resources Control Board (SWRCB) 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 applicant/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 applicant/developer shall notify the City Storm Water Program Manager 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. The existing General Industrial Permit shall be terminated after the General Construction Permit is recognized by the State.
12. 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, water quality, hydro-modification 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.
13. The applicant/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 applicant/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the

boundaries of the project.

14. 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.
 15. All permanent BMP's per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer of work stating the proposed landscape design complies with the requirements of the Water Quality Improvement Plan and/or Storm Water Standards Manual.
 16. All retaining walls shall be constructed of split-face block or other naturally appearing construction material as approved by the City Engineer and Planning Division Manager. Color of retaining walls shall be tan or similar earth-tone color. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of a grading permit. Additional landscaping shall be installed where deemed appropriate by the Planning Division Manager to soften appearance of high walls.
 17. The applicant/developer shall comply with all conditions under Condition K.
 18. The applicant/developer shall process a Site Development Plan (SDP) for architectural and site plan review for development of Planning Areas 1 and 2. Both Planning Areas may be processed under one SDP, if constructed by one builder. SDP review shall require administrative approval by the Planning Division Manager and City Engineer.
- M. Prior to issuance of a mass grading permit, the applicant/developer shall comply with the following conditions:
1. The applicant/developer shall comply with all conditions of approval of the regulatory permits issued by the resource protection agencies (i.e.: U.S. Army Corps of Engineers, California Department of Fish & Wildlife, and State Regional Water Quality Control Board). Grading permit application shall include copies of all regulatory permits and accompanying documentation approved by the agencies. Grading plans shall include a note and signature line for the project biologist indicating that the submitted grading plans have been reviewed to be in compliance with all conditions of approval of the regulatory permits.
 2. If the project requires a blasting permit, all blasting can only proceed on those properties owned by the applicant/developer. All blasting activities shall comply with the San Marcos Blasting Ordinance.
 3. If a rock crusher(s) is used during grading operations, the applicant/developer shall comply with all conditions of approval of Conditional Use Permit (CUP 13-010), Resolution PC 16-4545.

4. The applicant/developer shall obtain a letter of permission or other verification to grade for the proposed emergency access within APN 184-240-03.
 5. The applicant/developer shall submit 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):
 - a. The Special Improvement Area shall be formed with respect to CFD 98-02 for the ongoing maintenance services provided by the city for improvements being installed above and beyond the City standards, installed by the applicant/developer as shown on the Special Improvement Area Exhibit. No final map 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 applicant/developer may pay a fee for each CFD consistent with the pre-payment option laid out in each CFD's formation documents. The applicant/developer shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.
 - b. CFD 98-01, Improvement Area No. 1, Police Only
 - c. CFD 2001-01, Fire and Paramedic
 - d. CFD 98-02, Lighting and Landscape
 - e. The project shall be annexed as a Special Improvement Area (SIA).
 - i. Annexation fee shall be \$12,500.
 - ii. The applicant/developer shall submit a SIA and CFD boundary exhibit during the first submittal of the final map and/or grading and improvement plans.
 - iii. The applicant/developer shall submit a maintenance exhibit which depicts the CFD and HOA maintenance obligations.
 6. The applicant/developer shall coordinate with the Public Works Inspector and document the condition of existing Las Posas Road prior to any construction mobilization. The applicant/developer shall be responsible for any road damages attributed to project construction activities. The Public Works Inspector shall determine the segment of Las Posas Road to be surveyed.
- N. Prior to issuance of any rough grading permit, the applicant/developer shall comply with the following conditions:
1. Under separate permit, the applicant/developer shall submit construction drawings for the private landscaping to the Planning Division for review and approval per the following requirements:

- a. Separate landscape plans shall be submitted for the private, Home Owners Association (HOA), and CFD landscape areas. Landscape plans shall include a phasing exhibit.
- b. Final landscape and irrigation plans shall be prepared by a licensed landscape architect. Landscape plans shall incorporate all modifications as conditioned.
- 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. 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.
- e. The applicant/developer shall be responsible for installation of landscaping of all slopes on each residential lot. Minimum one (1) street tree shall be installed within the front yard, outside of the road easement, of each new single-family residence. Each street tree shall be a minimum size of fifteen (15) gallons; and comply with the City's minimum height and spread standards.
- f. Landscape plans shall include specific drawings and details for planting of rocky slopes.
- g. Landscape plans shall be consistent with conceptual landscape plan in the approved Specific Plan.
- h. Any landscape area adjacent to a conservation easement, open space, or within the Brush Management Plan area must be signed off by the project biologist. The design/implementation of the Brush Management Plan shall be to the satisfaction of the Fire Marshal.
- i. Landscape plans shall incorporate all applicable provisions of the regulatory permits.
- j. 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 in addition to State of California water efficiency requirements.

- k. 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.
 - l. 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.
 - m. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plans, for the subdivision which proposes a consistent type and style of fences and/or walls in accordance with the approved Specific Plan.
 - n. To minimize on-site exterior noise levels, 7-foot barriers shall be constructed along the lots adjacent to Las Posas Road. A 4-foot barrier shall be constructed at the lot in the southeast corner of the project site. The barriers may be constructed of a combination of landscape berms and sound walls. The design of the barrier, including materials and color for any sound walls shall be subject to review and approval by the Planning Division Manager.
 - o. Park improvement plans shall be submitted to the City for review and approval. The lot(s) designed for recreational use shall include such passive and active amenities such as trails, picnic tables, tot-lots with type and quantity of play equipment and grass areas. Said recreational amenities shall be delineated as part of the combined master recreation/landscape plan for the project's Specific Plan. All plans for recreation areas shall be approved by the Community Services Director and Planning Division Manager. Improvement plans for the private parks (Parks A & B) shall be submitted as part of the HOA landscape plans. Improvement plans for the public park (Park C) shall be submitted as part of the CFD landscape plans, and also require approval by the Public Works Director.
 - p. If a well is developed on the project site for irrigation purposes, the well shall be placed no closer than 550 feet to any existing wells.
- O. Prior to issuance of a rough grading permit for Unit No.1, the applicant/developer shall comply with the following conditions:

1. Parks "A" and "B" shall be designed to the satisfaction of the Community Services Director and Planning Division Manager.
 2. The design of the multi-use trail within the San Diego County Water Authority (CWA) easement shall be approved by the City Engineer, Community Services Director, and County Water Authority. Said multi-use trail shall consist of a 10-foot wide stabilized decomposed granite (DG) trail, a 10-foot wide asphalt concrete trail, and a drainage system. The applicant/developer shall make a best effort in securing the right to use lodge pole fencing between the two trail surfaces. The 10-foot widths for the DG and asphalt may be less as determined by the City Engineer in order to accommodate a drainage system and lodge pole fencing (if allowed by CWA) within the 20-foot wide trail easement.
 3. A 10-foot wide public trail, within Lot M, shall be designed which connects Las Posas Road and running westerly of Lot D and Lots 1 through 6. Said design shall be to the satisfaction of the City Engineer.
 4. The applicant/developer shall coordinate the recordation of a joint use agreement (or other mechanism) between the City of San Marcos and the San Diego County Water Authority. Said agreement shall allow the public use and the maintenance of the trail within CWA easement.
- P. Prior to issuance of any rough grading permit east of Las Posas Road, the applicant/developer shall comply with the following conditions:
1. Park "C" shall be designed to the satisfaction of the Public Works Director, Planning Division Manager, and Community Services Director. Park "C" shall include restrooms, shade structure, picnic tables, and barbeques. Park "C" shall be designed to the City's Community Facilities District landscape standards.
 2. The trail connecting Park "C" to Las Posas Road within open space Lot N shall be designed to the satisfaction of the City Engineer, Community Services Director, and Planning Division Manager.
- Q. Prior to issuance of a rough grading permit for Unit No.5, the applicant/developer shall comply with the following conditions:
1. A design for the public trail within Lots P and G, varying in width from 10 to 16 feet and connecting the existing offsite trail at Ardilla Way to Street "A" shall be submitted for approval by the City Engineer, Planning Division Manager and Community Services Director.
- R. Prior to issuance of a rough grading permit for Unit No. 7, the applicant/developer shall comply with the following conditions:
1. The trail connection to the existing trails to the east of Unit No.7 shall be designed to

the satisfaction of the City Engineer, Community Services Director, Planning Division Manager, and, if necessary, the Conservancy.

- S. Prior to or concurrent with the recordation of a final map, the applicant/developer shall comply with the following conditions:
1. Emergency access shall be designed to the satisfaction of the Fire Marshal. Design of the emergency access gates with Knox Box, and/or Opticon, shall be approved by the Planning Division Manager and Fire Marshal and shall be located at the northerly terminus of Las Posas Road and within Lot R..
 2. The applicant/developer shall provide maintenance access easements, and provide a design for vehicular access, where needed, for maintenance of storm water basins and storm drain outfalls, to the satisfaction of the City Engineer.
 3. The applicant/developer shall establish Covenants, Conditions and Restrictions (CC&R's) for the proposed project and Home Owners Association (HOA) to assure the continued maintenance and operation of all open space and common areas, recreational facilities and private improvements as follows:
 - a. At a minimum, the CC&R's shall describe the HOA maintenance responsibilities (e.g., private streets, trails, storm drain, etc.), parking restrictions, fuel modification maintenance, water quality and hydro-modification maintenance responsibilities, Best Management Practices (BMPs), City reporting responsibilities, and any regulatory agency permit responsibilities.
 - b. The CC&R's shall address any applicable regulatory agency requirements.
 - c. Maintenance of private open space areas and slopes shall be the responsibility of an Individual Home Owners Association and/or Master Home Owners Association.
 - d. The applicant/developer and all persons, firms or corporations owning the property subject to this subdivision at the time of the recording of the Final Maps and their heirs, administrators, executors, successors and assignees, shall operate, maintain and repair the open space, recreational facilities and private improvements for common use and benefit of the residents, approved by the City Council primarily for the benefit of the residents, and shall continue to operate, maintain and repair such open space, facilities, improvements for common use and benefit of the residents.
 - e. Deed restrictions shall be recorded with those lots identified in the Fire Protection Plan which require additional fire protection measures:
 1. All affected residential lots/units shall be deed restricted defining

type of construction requirements, limitations of construction and any future expansion restrictions.

2. At point of sale, there shall be full disclosure and a copy of said wording submitted to the City for the administrative records.
 3. An exhibit & description of the affected residential lots/units shall be included in the CC&R's.
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- f. The City Attorney shall approve the wording of by-laws and articles of incorporation of the proposed Home Owners Association and CC&Rs in writing prior to the creation of said Home Owners Association.
 - g. CC&R's shall be approved by the City prior to recordation of the CC&Rs. CC&R's shall contain a provision that requires that private garages shall be used for the parking of cars in the designated interior area of 400 square feet for two vehicles, and states that said area cannot be used for storage where it impedes the parking of two vehicles.
 - h. The applicant/developer shall require the Home Owners Association to implement covenants, conditions, and restrictions (CC&Rs) to regulate property usage, including maintenance of on-site restored habitats, indoor cat policy, and protection of adjacent natural areas of the on-site preserve and Agua Hedionda Creek. The applicant/developer shall incorporate landscape management practices into the CC&Rs that minimize the use of chemical fertilizers, pesticides, and herbicides. Maintenance of on-site restored habitats and protection of adjacent natural areas of the on-site preserve and Agua Hedionda Creek shall be overseen by a conservancy or similar entity with approval by the permitting regulatory agencies.
 - i. Potential impacts from human and pet intrusion into the on-site open space shall be minimized through a program of education (using that developed by the American Society for the Prevention of Cruelty to Animals), cat control, and habitat fencing as required by the approved Habitat Mitigation and Monitoring Plan (HMMP), with no gates between the development and the open space, along the backyards of residential lots adjacent to the planned open space. These requirements shall be identified in the CC&Rs.
 - j. Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant/developer shall encourage the use of native species in landscaping plans and shall avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the project.
 - k. All night lighting within the proposed development area, including streets

and backyards, shall be directed away from the habitat areas, including Agua Hedionda Creek, the stepping stone linkage along the project's northern boundary, and the preserved open space east of the development. This condition shall be included in the CC&Rs for the project and the HOA shall regulate this condition and shall not allow any future additional lighting to be installed by private home owners.

4. 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, a restriction that the area to be used as open space and for recreational facilities be for the use and benefit of the occupants of the 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 dwelling lots and by the City of San Marcos has been recorded agreeing to change the restriction in whole or in part.
5. At the same time the Final Maps are recorded, there shall also be recorded a document, signed by all persons, firms and corporations having an interest in the property shown on the Final Maps, whereby said persons, firms and corporations accept the terms and conditions of this Tentative Subdivision map and agree with the City of San Marcos to comply therewith. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos.
6. The applicant/developer shall submit plans and appropriate construction notes 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 shall be acceptable to the City Engineer.
7. 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.
8. The applicant/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.

9. The applicant/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.
10. Where proposed off-site improvements including but not limited to streets, slopes, public utility facilities, and drainage facilities are to be constructed, the applicant/developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant/developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map. If said dedication and easements are not acquired after negotiations between the private parties, the applicant/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 applicant/developer shall be responsible for all costs incurred in acquiring offsite property.
11. All Community Facility District (CFD) landscape slopes shall be dedicated as CFD landscape maintenance easements. The applicant/developer shall dedicate any required municipal access easements to said slopes.
12. The design of the road and/or infrastructure improvement plans associated for each phased unit shall be approved by the City Engineer.
13. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete the public improvements and all required off-site transitions within a negotiated number of days from the issuance of grading permits, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
14. Proposed streets shown on the Tentative Map shall be given lettered designations, until such time as requested names are approved by the City's Street Naming Committee. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map, following the procedure outlined for naming streets by the Engineering Division. Street name signs shall be installed by the applicant/developer as part of the subdivision improvements.
15. The Final Map shall 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 Home Owners

Association/Master Home Owners Association, or such other provision for maintenance which may be subsequently approved by City Council.

16. A LED vapor street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the City or the public.
17. The applicant/developer shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate public lighting system for a period of eighteen (18) months.
18. All proposed improved trail systems fronting and within the project shall be dedicated and designed per the City of San Marcos' Master Trails Plan and to the satisfaction of the appropriate City Departments.
19. The final map shall illustrate the location, dedication and alignment of all trail segments specified in San Marcos Highlands Specific Plan and Tentative Subdivision Map to the satisfaction of the City Engineer and the Community Services Director.
20. All public trails and parks shall be dedicated to the City for "general municipal purposes" as required by the City of San Marcos.
21. The applicant/developer shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding design of all utilities fronting, abutting, or within the property with the exception of sixty-nine (69) KVA or greater power lines within the site. Overhead power (less than 69 KVA) and other utility lines currently on 69 KVA transmission poles/towers shall be relocated underground along the subdivision boundary.
22. The applicant/developer shall include underground utility plans within the City street improvement plan set which demonstrates no above ground utility facilities will be located within view of the public streets. Any exceptions shall be at the discretion of the Planning Division Manager and City Engineer.
23. The permanent placement of Vallecitos Water District and Vista Irrigation District large meter services, etc., along circulation element streets shall be placed along the outermost edge of the ultimate right-of-way to avoid reconstruction or modification of same.
24. Prior to Final Map approval, the applicant/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 Final Map from the

- applicant/developer.
 - b. They object or do not object to the filing of the Final Map without their signature.
 - c. 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.
 - 25. The Final Map shall show the gross and net acreage of all parcels created. Minimum residential lot sizes (net) shall be the following:
 - a. Planning Area 1 (R-1 5.0) = 5,000 square feet.
 - b. Planning Area 2 (R-1 5.0) = 5,000 square feet.
 - c. Planning Area 2 (R-1 5.5) = 5,500 square feet.
 - 26. The Final Map shall use the California Coordinate System of 1983 for its "Basis of Bearings" and show two (2) measured ties to Horizontal Control Monuments of said system as shown on City of San Marcos Record of Survey 13928.
 - 27. Private easements and/or maintenance agreements shall be granted between private property owners and/or the Home Owners Association concurrently with the transfer of title.
- T. Prior to or concurrent with the recordation of the first final map, the applicant/developer shall comply with the following conditions:
- 1. Las Posas Road shall be dedicated by the applicant/developer, from the southerly property line, thru the subdivision, and to the northerly property line (south of APN 184-240-03), based on a right-of-way width of eighty-four (84) feet, with slope easements where needed. Additionally, dedication for a 10-foot trail easement is required along the easterly right-of-way, to the satisfaction of the City Engineer.
 - 2. Direct access rights to all residential lots abutting Las Posas Road shall be relinquished to the City on the Final Map.
 - 3. Las Posas Road shall be designed as shown on Section C-C of the Tentative Subdivision Map to modified Secondary Arterial street standards per the City's "Urban Street Design Criteria", from the existing northerly terminus point on Las Posas Road to Street A. Las Posas Road shall transition from four lanes to two lanes within this road segment. All pavement sections shall be designed to ultimate structural section.
 - 4. Las Posas Road shall be designed as shown on Section B-B of the Tentative Subdivision Map to modified Secondary Arterial street standards with full median per the City's "Urban Street Design Criteria", from Street A to northerly limits of Lot 109, to the satisfaction of the City Engineer. All pavement sections shall be designed to ultimate structural section.

5. Las Posas Road shall be designed as shown on Section A-A of the Tentative Subdivision Map as an all-weather road capable of accommodating a fire engine. Said design shall be to the satisfaction of the City Engineer and Fire Marshal.
 6. The applicant/developer shall provide a design connecting the Las Posas Road improvements to the existing Robinhood Road (aka B St.) improvements.
 7. The applicant/developer shall provide a design for a fiber optic traffic signal interconnect system within Las Posas Road from Borden Road to Avenida Azul. Said design shall be to the satisfaction of the City Engineer and Public Works Director.
 8. The applicant/developer shall pay an in-lieu fee for the signal retiming along Las Posas Road from Borden Road to Mission Road. The applicant/developer shall provide the traffic counts as directed by the City. .
 9. A Water Quality Maintenance Agreement shall be recorded with the County Recorder and proof of the recordation shall be provided to the City. The agreement shall include summaries of water quality/hydro-modification facilities and operations & long term maintenance. Said Agreement shall also address maintenance of the BMP's if project phasing, delays or abandonment occurs.
- U. Prior to or concurrent with the recordation of the Unit No. 1 final map, the applicant/developer shall comply with the following conditions:
1. A municipal access, emergency access and general utility easement shall be dedicated within the Street "A" right-of-way limits.
 2. A 5.5-foot wide (measured from face of curb) private general utility easement adjacent to both sides of the Street "A" right-of-way shall be reserved on the final map. Said easement shall be granted to the Home Owners Association.
 3. A 5-foot wide public trail easement shall be dedicated along the westerly side of Street "A" from Las Posas Road, through Park A, and connecting to the San Diego County Water Authority trail.
 4. A minimum 20-foot wide public trail easement shall be dedicated within the San Diego County Water Authority easements.
 5. A minimum 10-foot wide public trail easement (within Open Space Lot M) shall be dedicated for the proposed trail connecting to Las Posas Road and running westerly of Lot D and Lots 1 through 6.
 6. A 20-foot wide water easement shall be granted to Vista Irrigation District within Lot 6 and Lot M. The applicant/developer shall submit a precise grading plan of Lot 6 depicting the proposed floor plan, fencing, setbacks, and water district access (if required).

7. A 20-foot wide private drainage easement shall be reserved on the final map within Lot 8. The applicant/developer shall submit a precise grading plan of Lot 8 depicting the proposed floor plan, fencing, and setbacks. Said easement shall be granted to the Home Owners Association.
 8. A maintenance agreement between the City and applicant/developer shall be recorded for public access trails being maintained by the applicant/developer or Home Owners Association.
- V. Prior to or concurrent with the recordation of the Unit No. 2 final map, the applicant/developer shall comply with the following conditions:
1. A municipal access, emergency access, and general utility easement shall be dedicated within the Street "C" right-of-way limits.
 2. An emergency access and general utility easement shall be dedicated within the Street "D" right-of-way limits from Las Posas Road to the northerly limits of Lot 61.
 3. A 5.5-foot wide (measured from face of curb) private general utility easement adjacent to both sides of the Street "C" and "D" right-of-ways shall be reserved on the final map. Said easement shall be granted to the Home Owners Association.
- W. Prior to or concurrent with the recordation of the Unit No. 3 final map, the applicant/developer shall comply with the following conditions:
1. A municipal access, emergency access, and general utility easement shall be dedicated within the Street "B" right-of-way limits.
 2. A municipal access, emergency access, and general utility easement shall be dedicated within the Street "D" from the northerly limits of Lot 61 to its cul-de-sac terminus.
 3. A 5-foot wide (measured from back of curb) private general utility easement adjacent to both sides of the Street "B" and "D" right-of-ways shall be reserved on the final map. Said easement shall be granted to the Home Owners Association.
- X. Prior to or concurrent with the recordation of the Unit No. 4 final map, the applicant/developer shall comply with the following conditions:
1. The applicant/developer shall reserve a private reciprocal access easement on the final map for Lots 90 and 91. Maintenance obligations shall be described in the CC&R's or other recorded and binding agreement.
 2. A 10-foot wide private drainage easement shall be reserved on the final map within Lot 94. The applicant/developer shall submit a precise grading plan of Lot 94 depicting the proposed floor plan, fencing, and setbacks. Said easement shall be granted to the Home Owners Association.

3. A 20-foot wide private drainage easement shall be reserved on the final map within Lot 102. The applicant/developer shall submit a precise grading plan of Lot 102 depicting the proposed floor plan, fencing, and setbacks. Said easement shall be granted to the Home Owners Association.
- Y. Prior to or concurrent with the recordation of the Unit No. 5 final map, the applicant/developer shall comply with the following conditions:
1. A municipal access, general utility, and emergency access easement shall be dedicated within Street "E", south of Street "A".
 2. A municipal access, general utility, and emergency access easement shall be dedicated within Street "A" from Las Posas Road to the easterly limits of Lot 136.
 3. A 5-foot wide public trail easement shall be dedicated within Street "A".
 4. A municipal access, general utility and emergency access easement shall be dedicated within Lot R.
 5. A minimum 10-foot wide public trail easement shall be dedicated within a portion of Lot R.
 6. The applicant/developer shall design a gated emergency access within Lot R from Private Street E to Ardilla Way. Emergency secondary access improvements shall connect to the existing Ardilla Way improvements, to the satisfaction of the Fire Marshal and City Engineer.
 7. A public trail easement varying in width from 10 to 16 feet shall be dedicated within Lots P and G connecting the existing offsite trail at Ardilla Way to Street "A".
 8. A 5.5-foot wide (measured from face of curb) private general utility easement adjacent to both sides of the Street "E" right-of-way shall be reserved on the final map. Said easement shall be granted to the Home Owners Association.
 9. A 20-foot wide private drainage easement shall be reserved on the final map within Lot 129. The applicant/developer shall submit a precise grading plan of Lot 129 depicting the proposed floor plan, fencing, and setbacks. Said easement shall be granted to the Home Owners Association.
- Z. Prior to or concurrent with the recordation of the Unit No. 6 final map, the applicant/developer shall comply with the following conditions:
1. A municipal access, general utility, and emergency access easement shall be dedicated within Street "E", north of Street "A".
 2. A 5.5-foot wide (measured from face of curb) public trail easement shall be dedicated along the northerly side of Street "E" from Street "A" to Park "C".

3. Park "C" and the Street "E" cul-de-sac parking stalls shall be dedicated to the City for general municipal purposes.
 4. A park shall be designed in Park "C" to the satisfaction of the City Engineer, Community Services Director, and Planning Division Manager.
 5. When Park C improvements are accepted by the City, Park "C" shall be deeded to the City at no additional cost.
 6. Individual parking spaces for Park C shall be a minimum of nine (9) feet wide by eighteen (18) feet depth. The depth may be decreased by two (2) feet when there is equivalent curb overhang onto adjacent landscaped areas. Curb overhang may be 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. Additionally, parking stalls shall be designed to prevent vehicle overhang into cul-de-sacs.
 7. A public trail easement shall be dedicated connecting Park "C" to Las Posas Road.
- AA. Prior to or concurrent with the recordation of the Unit No. 7 final map, the applicant/developer shall comply with the following conditions:
1. A municipal access, general utility, and emergency access easement shall be dedicated within Street "A" from the easterly limits of Lot 136 to Street "F".
 2. A municipal access, general utility, and emergency access easement shall be dedicated within Street "F".
 3. A 5-foot wide public trail easement shall be dedicated on Streets "A" and "F" as shown on the tentative map.
 4. As shown on the tentative map, 5.5-foot wide (measured from face of curb) private general utility easements adjacent to the Street "A" and "F" right-of-ways shall be reserved on the final map. Said easement shall be granted to the Home Owners Association.
 5. The applicant/developer shall reserve private reciprocal access easements on the final map for Lots 186 through 189. Maintenance obligations shall be described in the CC&R's or other recorded and binding agreement.
 6. As shown on the tentative map, a 5-foot wide private general utility easement within Lots 186 through 188 shall be reserved on the final map. Said easement shall be granted to the Home Owners Association.
 7. A 20-foot wide private drainage easement shall be reserved on the final map within Lots 129 and 163. The applicant/developer shall submit a precise grading plan of Lot 163 depicting the proposed floor plan, fencing, and setbacks. Said easement

shall be granted to the Home Owners Association.

8. A 15-foot wide private drainage easement shall be reserved on the final map within Lot 172. The applicant/developer shall submit a precise grading plan of Lot 172 depicting the proposed floor plan, fencing, and setbacks. Said easement shall be granted to the Home Owners Association.
9. A 10-foot wide public trail easement shall be dedicated within Lot 174.

BB. During construction, the applicant/developer shall comply with the following conditions:

1. The applicant/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.
2. The applicant/developer shall submit a traffic control plan for all phases of construction for approval by the Public Works Director. Said plan shall include all traffic control devices including traffic signals as required.
3. Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.
4. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
5. 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 without prior approval of the Public Works Director.
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 with result in the issuance of citations. Citations required a mandatory court appearance in North County Superior Court and payment of court costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.
7. During grading and construction operations, the applicant/developer shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
8. Hauling of earth over residential streets of developed areas shall be avoided. Where

not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.

9. The applicant/developer shall construct desiltation/detention basins and erosion control devices of a type and size and at locations as approved by the City Engineer. Devices shall be installed and maintained in working condition during the rainy season (October 1 through May 1). Each such basin shall be provided with an all-weather access/maintenance road.
10. 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.
11. The applicant/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.
12. The applicant/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.
13. The applicant/developer shall minimize exposure time of disturbed soil areas.
14. 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.
15. 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 revegetation and landscaping as early as feasible, temporary stabilization and reseeding of disturbed soil areas as early as feasible.
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. Landscaping of manufactured slopes for each phase shall commence at time of completion of grading activities for that phase.
19. 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.
20. 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.
21. 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.
22. The project shall comply with Regional Air Quality Standards.
23. The applicant/developer shall ensure that the grading and other construction activities meet the provisions specified in the SDRWQCB Order No. R9-2013-0001 and the SWRCB General Construction Permit.
24. During construction the applicant/developer shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
25. The applicant/developer shall designate a USFWS-approved qualified biologist who would be responsible for overseeing compliance with protective measures (e.g., buffers, noise mitigation) for the listed species during construction, including site clearing and grubbing. The biologist would have the authority to halt all associated project activities, which may be in violation of the USFWS Biological Opinion issued for the project. In such an event, the biologist is required to contact the City of San Marcos, USACE and USFWS within 24 hours.
26. An employee education program for the construction crew shall be developed and implemented by a qualified biologist. Each employee (including temporary,

contractors, and subcontractors) would receive a training/awareness program within two weeks of working on the proposed project. They would be advised of the potential impact to the listed species and the potential penalties for taking such species. At a minimum, the program shall include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce the impacts to these species and promote continued successful occupation of the project area environs.

27. Construction work areas shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to habitat removal, and the marked boundaries maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing shall be placed on the impact side to reduce the potential for additional vegetation loss within open space. Fencing placement shall be done by a qualified biologist. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction. Employees shall strictly limit their activities and vehicles to the proposed project areas, staging areas, and routes of travel. The project proponent and/or the biological monitor shall contact the City of San Marcos, USACE, and USFWS to verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles into the riverbed and outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.
28. The work area shall be kept clean to avoid attracting predators. All food and trash shall be disposed of in closed containers and removed from the project site. No pets shall be allowed on the construction site.
29. All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities shall occur in designated upland areas outside of the proposed preserve. The designated upland areas shall be located in such a manner as to prevent any runoff from entering waters of the United States, including wetlands.
30. The project applicant/developer shall submit construction monitoring reports during all grading activities for the project to the RWQCB. Construction monitoring reports shall include, but not be limited to, the following:
 - a. Name, qualification, and affiliations of the persons contributing to the report;
 - b. Summary of construction activities that includes general locations, project components, approximate acreages;
 - c. Quantification of impacts to waters of the US authorized under RWQCB Order No. R9-2005-0272;

- d. Dates, times and names of qualified biologists onsite;
 - e. Diagram showing location and type of the most recent erosion and sediment control BMPs implemented onsite in accordance with the SWPPP;
 - f. Summary of any problems, resolutions, and notification that occurred during this monitoring period; and
 - g. Photo-documentation of construction activities.
31. Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No. R9-2005-0272), the applicant/developer shall develop and implement a sedimentation/siltation monitoring plan to measure sediment loads above and below the project site during the construction phase. Sediment and siltation monitoring shall continue until such time that a Notice of Termination is processed. The construction phase sedimentation/siltation monitoring program shall be developed and submitted to the RWQCB for acceptance prior to initiation or project grading. Upon RWQCB acceptance of the monitoring plan, the applicant/developer shall monitor sediment loading above and below the project as follows:
- a. Samples taken upstream of the construction areas and immediately downstream of the last point of discharge from the project.
 - b. Samples shall be analyzed for settleable solids and total suspended solids.
 - c. Sediment/siltation monitoring to occur after significant rainfall where storm water runoff discharges from the project site into Agua Hedionda Creek. The applicant/developer does not need to perform upstream/downstream sample collection for more than three rain events per month.
32. Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No. R9-2005-0272), following each sample event, the applicant/developer shall immediately assess each sample and if the results of the downstream site show an increase greater than 5 percent above background (upstream site) sediment levels, the applicant/developer shall conduct an immediate assessment of erosion and sediment control BMPs being implemented. The applicant/developer shall also:
- a. Identify the source of the silt and sediment;
 - b. Repair or replace BMPs that failed;
 - c. Maintain any BMP that is not functioning properly due to lack of maintenance;
 - d. Evaluate whether additional or alternative BMPs need be implemented to

prevent further exceedences of background sediment levels; and

- e. Report to the RWQCB within five working days the actions taken to remedy the situation.
33. Pursuant to the conditions identified in the 401 Water Quality Certification from the RWQCB (Order No. R9-2005-0272), the applicant/developer shall include all quality assurance and quality control data from the sediment/siltation monitoring program in reports to be submitted monthly during the rainy season (October 1 through April 30). In months receiving no precipitation resulting in discharge to receiving waters, no report will be required.
34. An archaeological monitor shall be present during all initial earth moving and grading activities or otherwise disturbance of existing conditions to monitor for historical resources, including the previously identified well and wall features. If historical resources are encountered, work shall cease in the vicinity of the discovery until the archaeologist has had an opportunity to document and evaluate the discovery. If it is determined to be a significant cultural resource, data recovery or other mitigation measures may be required. The archaeologist shall prepare an Archaeological Data Recovery Program (ADRP) for review and approval by the City Planning Division Manager. Impacts to significant resources must be mitigated before ground-disturbing activities in the area of discovery shall be allowed to resume. If the resource is determined not to be significant, work may resume in the area of the discovery.
35. 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 the location of the find shall be kept secure. If the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the "most likely descendant(s)" of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
- CC. If a groundwater storage tank is required, placement of the tank shall consider the existing visual setting to ensure the tank does not impede any scenic vistas or significantly modify the visual character of the project site. Screening strategies shall be used to minimize the appearance of the storage tank. Such strategies include, but are not limited to: placing the tank on lower lying land, landscaping, berms, and/or vegetation and painting the tank a neutral color to blend with the tank's surroundings. The plans for the storage tank shall be submitted for review and approval by the Planning Division Manager and City Engineer.

DD. Prior to the issuance of building permits, the applicant/developer shall comply with the following conditions:

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: 1) Reinforced door jambs; 2) One piece door stops; 3) 16-gauge strike plate for deadbolts; 4) Locking hardware for garage doors; 5) Two locking devices for wide garage doors; 6) 1-3/4 inch solid exterior doors; 7) Laminated safety glass; 8) Wide angle peep hole for exterior doors; 9) No louvered windows; and 10) Address numbers easily visible from the street.
5. An automatic fire extinguishing system shall be required for all structures in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the National Fire Protection Association standards.
6. The project shall use fire-restrictive building materials as outlined in Chapter 7A, Section 704A, Ignition-Resistant Construction, of the CBC for the future residences. This requirement shall be noted on the building plans and are subject to review and approval by the City.
7. 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.).
8. The proposed development shall comply with Federal Law, American with Disabilities Act (ADA-90), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
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 applicant/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 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.
11. 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.
12. The applicant/developer shall pay an in-lieu affordable housing fee at the time of building permit issuance.
13. 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 requirements. The fee shall be based on the proposed land use and shall be paid prior to the issuance of the first building permit for the development.
14. This project is subject to the payment for College Area Community Plan Exhibit "C" Facilities Costs.
15. The proposed new development is subject to the payment of School Fees as required by law. The applicant/developer is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
16. The property shall be annexed into the applicable Community Facilities Districts unless otherwise directed by the Development Services Director.
17. 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.
18. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. The applicant/developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The applicant/developer shall inform the new owners that they own the mailboxes and are responsible for replacement.
19. Landscaping of all slopes pertaining to the map unit number shall be installed per the approved landscape plans prior to issuance of building permit. All landscaping 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 inspection.

20. The base lift of asphalt on all roads serving the area under construction shall be completed and said road shall be capable of supporting fire apparatus.
 21. A water supply shall be installed to the satisfaction of the Fire Marshal.
 22. To ensure compliance with the interior noise threshold of 45 dBA CNEL, a final noise assessment shall be performed prior to the issuance of the first building permit for all second floor areas of the lots located adjacent to Las Posas Road. This final report shall identify the interior noise requirements based on architectural and building plans to meet the City's established interior noise limit. The identified interior noise requirements shall also be in place prior to occupancy of the residences adjacent to Las Posas Road.
 23. A separate sign permit shall be required for any proposed monument signs in accordance with the approved specific plan. Monument signs shall be located outside of the right-of-way and line-of-sight of driveways.
 24. A minimum of 167 single-family residences shall incorporate photovoltaic solar panels into the home design in order to reduce electricity energy demand for the project in accordance with Final Environmental Impact Report (EIR 15-001).
- EE. Prior to occupancy of any structures, the applicant/developer shall comply with the following conditions:
1. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The applicant/developer shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.
 2. All landscaping for the respective final map unit number 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/developer 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 Plans, respectively. In addition, a letter shall be submitted from the project biologist indicating landscaping has been installed in accordance with the provisions of the regulatory permits.
 4. The applicant/developer shall have installed all recreational amenities (i.e.: patio covers, tot-lots, outdoor furniture, outdoor fireplace, bbq, etc.) for each phase prior to occupancy of the respective final map unit number.
 5. The applicant/developer shall have completed the installation of the playground

equipment and outdoor furniture in accordance with the manufacturer's standards. The applicant/developer shall submit a letter by the installation contractor indicating that the playground equipment has been installed per the manufacturer's specifications. In addition, all amenities for Public Park C shall require inspection and approval by the Public Works Department.

6. A disclosure statement shall be made to the home buyers within the subdivision regarding: a) CFD 98-01, Improvement Area No. 1, Police Only; b) CFD 98-01, Lighting, Landscaping, Open Space and Preserve Maintenance; and c.) CFD 2001-01, Fire and Paramedic.
7. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. Undergrounding shall take place prior to surfacing of streets.
8. 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.
9. Fire Hydrants, turnarounds, hammerheads, access driveways, and gates shall be constructed to the satisfaction of the Fire Marshal.
10. 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.
11. The applicant/developer shall install/construct all Water Quality Treatment, Hydro-modification, Site Design, Source Control, Treatment Control, Volume Control, Permeable Pavement BMPs, and LID as depicted on the Water Quality Improvement Plans, as approved by the City Engineer.
12. Las Posas Road, including the associated landscaping and trail, from the existing terminus to the northerly limits of Lot 109 shall be constructed to the satisfaction of the Public Works Director.
13. The emergency access connection within APN 184-240-03 shall be constructed to the satisfaction of the property owner, Public Works Director and Fire Marshal in accordance with the approved plans.
14. The fiber optic traffic signal interconnect system within Las Posas Road from Borden Road to Avenida Azul shall be installed to the satisfaction of the Public Works Director. The fiber optic system is eligible for Public Facility Fee credit.

15. The signal retiming along Las Posas Road from Borden Road to Mission Road shall be to the satisfaction Public Works Director.
 16. The emergency access road, including the associated landscaping, trail, and access gates from the proposed northerly terminus of Las Posas Road to existing B Street shall be constructed to the satisfaction of the Public Works Director and Fire Marshal.
 17. The applicant/developer shall provide a fair share contribution towards the cost of installing a traffic signal at Las Posas Road and Camino Del Sol. The amount of the fair share contribution shall be determined by the City Engineer.
 18. The applicant/developer shall provide a fair share contribution towards the construction of a dedicated right turn lane at the southbound (off-ramp) approach at the Grand Avenue/SR-78 eastbound ramp/ Via Vera Cruz intersection. Contribution shall also include the conversion of the existing shared through/right turn lane to a standard left turn/through lane and modification of the signal to provide a right turn overlap phase at the southbound approach to the intersection. The amount of the fair share contribution shall be determined by the City Engineer.
 19. The applicant/developer shall provide a fair share contribution towards the construction of a dedicated right turn lane at the westbound (off-ramp) approach of the Las Posas Road/SR-78 westbound ramp intersection. Said contribution amount shall be to the satisfaction of the City Engineer.
 20. All private easements associated with each unit shall be recorded.
 21. All road and infrastructure improvements associated with each unit shall be constructed to the satisfaction of the Public Works Director.
 22. The applicant/developer shall disclose to future home owners/tenants of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors). Disclosure shall be recorded with the County Recorder's Office prior to building occupancy.
- FF. Prior to occupancy of any structures within Unit No. 1, the applicant/developer shall comply with the following conditions:
1. At a minimum, the following items shall be constructed to the satisfaction of the Public Works Director, Planning Division Manager and as otherwise noted:
 - a. Street "A", north of Las Posas Road.
 - b. The 10-foot wide trail connecting to Las Posas Road and running westerly of Lot D and Lots 1 through 6

- c. The multi-use trail within the San Diego County Water Authority easement shall be approved by the County Water Authority in writing.
 - d. The trail running parallel to Street "A" from Las Posas Road to the San Diego County Water Authority easement.
 - e. The park within Lot A.
- GG. Prior to occupancy of any structures within Unit No. 2, the applicant/developer shall comply with the following conditions:
 - 1. At a minimum, the following items shall be constructed to the satisfaction of the Public Works Director, Planning Division Manager and as otherwise noted:
 - a. Street "C".
 - b. A portion of Street "D" from Las Posas Road to the northerly limits of Lot 61.
- HH. Prior to occupancy of any structures within Unit No. 3, the applicant/developer shall comply with the following conditions:
 - 1. At a minimum, the following items shall be constructed to the satisfaction of the Public Works Director, Planning Division Manager and as otherwise noted:
 - a. Street "B".
 - b. A portion of Street "D" from the northerly limits of Lot 61 to the cul-de-sac terminus.
- II. Prior to occupancy of any structures within Unit No. 4, the applicant/developer shall comply with the following conditions:
 - 1. At a minimum, the following items shall be constructed to the satisfaction of the Public Works Director, Planning Division Manager and as otherwise noted:
 - a. Park "B"
- JJ. Prior to occupancy of any structures on the eastside of Las Posas Road, the applicant/developer shall comply with the following conditions:
 - 1. Street "A", including the trail, from Las Posas Road to Street E.
 - 2. Street "E", north of Street "A", including the trail.
 - 3. The park within Park "C" including the trail and cul-de-sac parking stalls shall be constructed to the satisfaction of the Community Services Director, Planning

Division Manager, and Public Works Director.

4. A 10-foot wide public trail connecting Park "C" to Las Posas Road shall be constructed to the satisfaction of the Community Services Director and Planning Division Manager.
- KK. Prior to occupancy of any structures within Unit No. 5, the applicant/developer shall comply with the following conditions:
1. At a minimum, the following items shall be constructed to the satisfaction of the Public Works Director, Planning Division Manager and as otherwise noted:
 - a. Street "E", south of Street "A".
 - b. The trail within Lots P and G connecting the existing offsite trail at Ardilla Way to Street "A".
 - c. The emergency access within Lot R.
- LL. Prior to occupancy of any structures within Unit No. 6, the applicant/developer shall comply with the following conditions:
1. At a minimum, the following items shall be constructed to the satisfaction of the Public Works Director, Planning Division Manager and as otherwise noted:
 - a. Street "A" from Street "E" to the easterly limits of Lot 136.
- MM. Prior to occupancy of any structures within Unit No. 7, the applicant/developer shall comply with the following conditions:
1. At a minimum, the following items shall be constructed to the satisfaction of the Public Works Director, Planning Division Manager and as otherwise noted:
 - a. Street "A", including the trail, from Lot 136 to Street "F".
 - b. Street "F", including the trail.
 - c. The trail connection to the existing trails east of Unit No. 7.
- NN. Prior to acceptance of public improvements or release of securities, the applicant/developer shall comply with the following conditions:
1. Landscape maintenance for publicly dedicated open space, multi trail systems, and bio-retention basins shall be accomplished by the applicant/developer for a minimum period of two (2) years, which may be extended, until such time as accepted into the Community Facility District (CFD). 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.

2. The applicant/developer shall maintain all CFD improvements as defined by the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Developers 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 150% of the maintenance costs as approved by the Public Works Director
 3. Prior to release of any securities, "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.
 4. 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.
 5. In order to release the public improvement performance and labor/material security, 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.
- OO. To the extent permitted by law, applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Tentative Subdivision Map; (ii) any damages, liability and/or claims 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 operation of applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Tentative Subdivision

Map, but shall survive in perpetuity.

- PP. 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.
- QQ. Prior to the sale of any single family residential unit or condominium unit, the applicant/developer/property owner shall be responsible for full disclosure and completion of public and/or private improvements (i.e., vehicular access, pedestrian access, all street signage (i.e., "no parking signs")/striping, landscape, etc.) in part or in whole, per the approved grading plans and/or improvements plans.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 6th day of September, 2016, 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