

RESOLUTION PC 18-4690

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL APPROVE A TENTATIVE SUBDIVISION MAP FOR 89 SINGLE-FAMILY RESIDENTIAL LOTS WITHIN THE MURAI SPECIFIC PLAN AREA (SPA) IN THE COLLEGE AREA NEIGHBORHOOD

TSM 15-007

(P15-0068)

ColRich California LLC

WHEREAS, on September 16, 2015 the City of San Marcos received an application from ColRich California LLC, the project applicant, the project applicant, requesting approval of a Tentative Subdivision Map (TSM) for 89 single-family residential lots, 4 private park lots, 1 private street lot, 4 open space lots, 4 biological conservation area lots, 2 water quality lots and 3 storm drain access lots in conjunction with General Plan Amendment (GPA 15-005), Specific Plan (SP 15-009), Grading Variance (GV15-002), Conditional Use Permit (CUP 15-008), Site Development Plan (SDP16-002), and Environmental Impact Report (EIR 16-001) on a 91.65 acre site located to the west of the northern terminus of N. Las Posas Road, more particularly described as

Portions of Section 34, Township 11 South and Section 3 and Section 4, Township 12 south, all in range 3 west, San Bernardino Meridian, in the City of San Marcos, County of San Diego, State of California.

Assessor's Parcel Numbers: 184-241-03-00, 218-011-10-00, 217-050-36-00, and 217-050-38-00

WHEREAS, the Tentative Subdivision Map (TSM) 15-007 is being requested in conjunction with a General Plan Amendment (GPA 15-005) to amend the project site's designation in the Land Use and Community Design Element from "Specific Plan Area/Residential (89 lots)/OS/P" to "Murai Specific Plan Area/Open Space" and to remove the designation and description in the Park, Recreation and Community Health Element of the General Plan of a public park on the project site, a Specific Plan (SP 15-009) which will guide the orderly development on the project site, a Grading Variance (GV 15-002) to allow manufactured slopes in excess of 20 feet in height without benching, a Conditional Use Permit (CUP 15-008) to allow for the temporary use of a rock crusher during grading operations and a Site Development Plan (SDP 16-002) to address the design of residential units and plotting of floor plans and elevations within the subdivision; and

WHEREAS, a Notice of Preparation Scoping Meeting and public workshop with the general public was held on October 5, 2016; and

WHEREAS, the Planning Commission did consider and recommend approval to the City Council of an Environmental Impact Report (EIR 16-001, SCH #2016091054) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

WHEREAS, the required public hearing held on March 5, 2018 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider said Tentative Subdivision Map and the recommendation of its 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 Department with respect thereto, and has determined 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 recommendation 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, as amended with this request, in that it provides a single-family residential use in the College Area Neighborhood of the City on a site which is designated as the Specific Plan Area for 89 lots in the General Plan Land Use & Community Design Element. A Specific Plan is proposed concurrent with this Map which will establish development standards for the project area, for up to 89 single-family lots/units. The proposed Map is also in conformance with the Parks, Recreation, and Community Health Element, as amended with this request, in that the proposed subdivision will include four private parks and public trail connections which are identified for the subject property in the General Plan and the City's Trails Master Plan; and the Conservation and Open Space Element in that the proposed project will preserves 52% of the net site area, 40.51 acres, in permanent Open Space, provide for wildlife habitat linkages and a riparian wildlife corridor connection.
2. The site is physically suitable for this type and density of development in that the proposed 89 single-family residential lots is the allowed density for the project site as stipulated in the City's General Plan. The TSM complies with all applicable City and State standards.
3. The design or improvements will not conflict with any easements acquired by the public at large for access.
4. The design of the subdivision and improvements will not cause public health problems in that the site will be serviced with adequate infrastructure such as gas, water, sewer, electric, and other public facilities; the project will be built in conformance with the California Building Code and California Fire Code, and, the site will be serviced with adequate police and fire service.

5. 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 16-001, SCH #2016091054) prepared for the project in compliance with the provisions of the California Environmental Quality Act.
6. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.
7. The proposed TSM meets all the requirements of the proposed Murai Specific Plan (SP155-009), Title 17 and Title 19 of the San Marcos Municipal Code (SMMC) and the Subdivision Map Act.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. The Tentative Subdivision Map (TSM 15-007) complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. The Tentative Subdivision Map (TSM 15-007) 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 and in conjunction with General Plan Amendment (GPA 15-005), Specific Plan (SP 15-009), Grading Variance (GV 15-002), Conditional Use Permit (CUP15-008), Site Development Plan (SDP 16-002) and Environmental Impact Report (EIR16-001).
- D. The approval of this Tentative Subdivision Map shall expire within twenty-four (24) months from City Council approval of the Tentative Subdivision Map. 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.
- E. General Provisions:
  1. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions or as authorized by the Murai 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.
2. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utility, regional, federal or other approving agency regarding the installation, modification, development, improvement or protection of facilities within the project boundaries. It shall be the Applicant/Developer's responsibility to determine all agencies with rights of approval for the proposed development.
  3. 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 applicant/developer shall bear the responsibility of garnering clarification from the City Engineer. Unless a standard variance has been issued, no variance from City Standards is authorized by virtue of approval of this project of issuance of an engineering permit.
  4. Unless a standard variance has been issued, or allowed by the adopted Specific Plan, no variance from City Standards is authorized by virtue of approval of this tentative map.
  5. 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.
  6. The homeowners association is required to provide written notification to the City when they assume water quality BMP maintenance responsibilities from the applicant/developer.
  7. The applicant/developer shall comply with all regulatory permit requirements associated with this development project.
  8. The applicant/developer must comply with all applicable conditions as set forth in Resolution PC 18-4688 (General Plan Amendment 15-005), Resolution PC 18-4689 (Specific Plan 15-009), Resolution PC 18-4691 (Grading Variance 15-002), Resolution PC18-4692 (Conditional Use Permit 15-008), Resolution PC 18-4693 (Site Development Plan 16-002) and Resolution PC18-4694 (Environmental Impact Report 16-001). All conditions are hereby incorporated by reference herein.
  9. All development standards shall be complied with per the approved Murai Specific Plan as adopted under SP 15-009.
  10. During all phases of the project, the applicant/developer must comply with all mitigation measures as specified in the adopted Environmental Impact Report (EIR 16-001, SCH #2016091054), and satisfy the mitigation monitoring program.
  11. The applicant/developer shall be responsible for bearing the costs of all grading

activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with, but not limited to, the project's planning, engineering, construction and/or architecture for the project.

12. The Applicant/Developer shall ensure prospective buyers sign disclosures identifying the property as being within the City's Community Facilities Districts (CFD's) for which there are additional tax assessments. The disclosure shall indicate what the projected assessments are anticipated to be for the respective CFD's, both in the near future and at ultimate subdivision build out.

13. The approved Tentative Subdivision Map 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 18-4688(GPA 15-005), PC 18-4689 (SP 15-009), PC 18-4691 (GV 15-002), PC 18-4692(CUP 15-008), and PC 18-4693(SDP 16-002)." 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.

14. The applicant/developer shall comply with any applicable regulatory permit requirements prior to transferring any maintenance responsibilities to the Home Owners Association.

F. Prior to or concurrent with the recordation of the final map, the applicant/developer shall comply with the following conditions:

1. This applicant/developer shall apply for a public improvement permit complaint with SMMC 14.16. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contained herein. All appropriate fees shall be paid for the processing of the permit.

a. A light emitting diode 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 public. All installations shall be compliant with the City's Street Lighting Standards.

b. All trail systems fronting and within the project shall be designed per City of San Marcos' Master Trails Plan as amended and to the satisfaction of the appropriate City Departments.

c. All public trails areas outside of the San Diego County Water Authority (SDCWA) easement shall be dedicated for "general municipal purposes" as required by the City of San Marcos. A joint use agreement, or other mechanism

acceptable to the City, between the property owner, SDCWA and the City shall allow for the use and maintenance of all public trails areas within the SDCWA easement. All open space areas and lots shall be provided with adequate access for maintenance from a public street.

- d. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Policy LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the planning division director.
- e. The applicant/ developer shall submit a traffic control plan to the Public Works Inspection Section for all phases of construction for approval by the City Engineer. Said plan shall include all traffic control devices including traffic signals as required.
- f. The applicant/ developer shall obtain and coordinate the recordation of a joint use agreement, or other mechanism acceptable to the City, between the property owner, SDCWA and the City, for the use and maintenance of the tertiary access ways and multi-use trails within the SDCWA easement. The applicant/ developer shall obtain all interests in real property for all offsite public improvements and shall dedicate the same to the City. The applicant/ developer shall provide documentary proof satisfactory to the City that such easements, SDCWA license agreement or other interest in real property have been obtained prior to permit issuance.
- g. The improvement plans shall include the design for the installation of 112 feet of 10-inch diameter water main west of Las Posas Road to replace the existing 8-inch diameter main as required by the Vallecitos Water District Water and Sewer Study.
- h. The improvement plans shall include the installation of the median within Las Posas Road and identify any required sight distance easements for access onto Las Posas Road from the proposed private streets.
- i. All proposed publicly maintained landscaping shall be included on the improvement plans. Any modifications to existing publicly maintained landscaping, including removal of trees for sight distance purposes, shall be depicted on the improvement plans.

- j. The improvement plans shall ensure Americans with Disabilities Act (ADA) compliant curb ramps are designed at the intersection of Las Posas Road and proposed Street 'A'. The plans shall also include the design for the fiber optic signal interconnect between the intersections of Las Posas Road/Borden Road and Las Posas Road/Avenida Azul
2. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements. Securities and applicable fees for the construction of the public improvements and installation of monuments for the final map shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.
3. The applicant/developer shall dedicate to the City of San Marcos easements for all public trails, emergency access easements and appurtenances thereto, San Diego County Water Authority license agreement and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
4. The Final Map shall include a statement to indicate that all streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by an individual homeowners association/master homeowners association.
5. Direct access rights to all lots (except Lot E) abutting Las Posas Road shall be relinquished to the City on the Final Map.
6. Lot lines shall be as near radial as possible to street right-of-way at cul-de-sacs and knuckles as possible, and shall not exceed more than ten (10) degrees from radial from right-of-way except as approved by the City Engineer.
7. A Transportation Demand Management (TDM) Plan shall be submitted for review and approval by the City Engineer and Planning Manager.
8. The applicant/developer shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map. The names provided shall be subject to review and approval by the City's Street naming Committee.
9. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way and if applicable, trail easement, to avoid reconstruction or modification of same.
10. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City of San Marcos for review and approval.

- a. At a minimum, the CC&Rs shall describe the HOA maintenance responsibilities (e.g., private streets, trails, private parks, 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&Rs 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. 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.
- f. CC&Rs shall be approved by the City prior to recordation. CC&Rs shall contain a provision that requires that private garages shall be used for the parking of cars only and shall not be used for storage or other purposes in the designated interior area of 400 square feet for two vehicles (homes that are less than or equal to 3,000 square feet) and 600 square feet for three vehicles (for homes more than 3,000 square feet), and states that said area cannot be used for storage where it impedes the parking of two or three vehicles, respectively.
- g. 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 the 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 the Creek shall be overseen by a conservancy or similar entity with approval by the permitting regulatory agencies.
- h. 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 with no gates between the development and the open space, along the backyards of residential lots adjacent to the planned open space. These requirements would be identified in the CC&Rs. The CC&Rs shall be reviewed by the City Attorney prior to recordation.

- i. 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.
  - j. 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, and the preserved open space on-site. 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 homeowners.
  - k. The CC&Rs shall include a provision that prohibits the use of fire pits, including any community fire pits in the parks. Exterior fireplaces may be allowed on a case by case basis with the approval of SMFD and Planning Division.
  - l. An exhibit and description of lots/units that are identified in the Fire Protection Plan for enhanced/special fire measures shall be included in the CC&Rs.
11. Maintenance of private open space areas and slopes shall be the responsibility of an individual Homeowners Association/Master Homeowners Association.
12. The applicant/developer shall mitigate for impacts on City services related to emergency response, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
- a. CFD 98-01 - Improvement Area No. 1 (Police Only)
  - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
  - c. CFD 2001-01 – Fire and Paramedic
13. The applicant/developer shall record an over flight notification document in association with the approval of any new residential land use within the McClellan-Palomar Airport Influence Area (AIA) over flight notification area consistent with the Airport Land Use Compatibility Plan as adopted under the General Plan Safety Element under Goals S-7, Policy S-7.1, Figure 6-5 McClellan-Palomar Airport Influence Area.

14. A deed restriction shall be recorded on lots/units that are identified in the Fire Protection Plan to require additional/ enhanced fire protection measures. All affected lots shall be deed restricted defining the type of construction, limitations of construction and any future expansion restrictions. At the point of sale, there shall be full disclosure and a copy of said wording submitted to the City for Administrative record.
15. The Final Map shall show the gross and net acreage of all parcels created. The minimum lot size (net) for the single family lots is 5,000 square feet.
16. The Final Map, on the title sheet, shall identify that the phone service will be provided by Pacific Bell and correctly state the School District as "San Marcos Unified School District and Vista Unified School District."
17. Preservation of at least 50 percent of the net site acreage, 40.51 acres, (outside of existing easements) shall be placed into a Biological Conservation Area, as specified in the MHCP EIR. The Conservation easement shall be reviewed by the City attorney prior to recordation of the Final Map. An endowment shall be created for this acreage that will provide funding for management of the land in perpetuity. Coastal Sage Scrub shall be preserved onsite at a minimum 1:1 ratio. The project shall preserve 32.24 acres of Diegan Coastal Sage Scrub, 0.80 acres of Coastal Sage Scrub-Baccharis Dominated, 0.02 acres of Southern Cottonwood-Willow Riparian Forest, 1.06 acres of Mule Fat-Scrub, 1.09 acres of Southern Willow Scrub, 1.56 acres of open water, 1.82 acres of Freshwater March, 0.51 acres of Non-native Grassland, 1.05 acres of Disturbed Habitat and 0.36 acres of Southern Coast Live Oak Riparian Forest.
18. 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.
19. At the same time the Final Map/s 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.

- G. Prior to issuance of grading permit, the applicant/developer shall comply with the following conditions:
1. The applicant/developer shall submit for a grading permit in accordance with the San Marcos Municipal Code section 17.32 and all related Engineering Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.
  2. 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 or a letter from the biologist shall be submitted with the grading plans that references said plans specifically.
  3. The property owner/applicant/developer shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water treatment improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
  4. Proof of coverage under the State of California's General Construction Permit shall be provided to the Engineering Division. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted with the State's permit shall be submitted.
  5. The applicant/developer shall obtain approval for the final storm water quality management plan (SWQMP). The final SWQMP shall reflect the final grading design and be in substantial conformance with the preliminary SWQMP.
  6. A fuel management zone shall be required 150' from the perimeter of all structures or as modified by the approved tentative map/fuel management plan. A letter from the project biologist shall be required which addresses habitat issues for the on-fuel management areas.
  7. In those areas where grading variances are approved, increased development standards for landscape and special grading techniques shall be applied. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.
  8. 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.
  9. 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 Storm Water Quality Management Plan.

10. Under separate permit, the applicant/developer shall submit construction drawings for the private/homeowners association maintained and CFD landscaping to the Planning Division for review and approval per the following requirements:
  - a. Separate landscape plans shall be submitted for the private/homeowners 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 on all slopes over 3' in height 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. Landscape plans must also be reviewed, approved, and inspected by the City's slope restoration consultant to verify the proposed final landscape plan is adequate. The applicant/developer shall fund the cost of review, approval, and inspection services. The landscape plan shall include a maintenance plan to ensure landscaping establishes and thrives in time frame established by landscape architect.
  - g. Landscape plans shall be consistent with conceptual landscape plan in the approved Specific Plan and Site Development Permit SDP16-002.
  - h. As identified on the conceptual landscape plans, a master landscaping permit for the front yards landscaping shall be provided to the City identifying the construction phasing of the private front yards. This Master permit is to be used by the City to review compliance with the Water Efficient Landscape Ordinance, applicable Fire Protection Plan requirements and compliance with applicable requirements related to biological resources. The total square footage of improved landscape area on each lot shall be identified on the plans.

- i. 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.
- j. Landscape plans shall incorporate all applicable provisions of the regulatory permits.
- k. The landscape plans, including plant material and irrigation design, shall comply with the City's Water Efficient Landscape Ordinance, Chapter 20.330 of the San Marcos Municipal Code, in addition to State of California water efficiency requirements.
- l. 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 Storm Water Quality Management Plan.
- m. 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.
- n. 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 SP15-0009 and Site Development Plan SDP 16-002. All privacy fences between the lots shall be 6 feet high. All retaining walls shall be earth tone split face for the exposed wall portions.
- o. To minimize on-site exterior noise levels and to comply with the City of San Marcos noise standards, 5 to 7 foot barriers shall be identified along the lots adjacent to Las Posas Road (Lots 1 – 6) as identified in the project's Noise Study by Ldn Consulting dated August 17, 2017.
- p. Private 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 as trails, picnic tables, tot-lots with type and quantity of play equipment and grass areas as depicted in the Site Development Plan SDP 16-002. Said recreational amenities shall be delineated as part of the combined master recreation/landscape plan for the project's Specific Plan. Improvement plans for the private parks (Parks A - D) shall be submitted as part of the HOA landscape plans.
- q. 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.
- r. All tree canopies shall be spaced so crowns of all mature trees maintain a 30 foot horizontal separation between canopies. This requirement is applicable to both fire

resistant and non-fire resistant trees.

- s. Trees located within 20 feet of any road or street shall be maintained so branches and limbs provide a minimum vertical clearance of 13 feet 6 inches above ground at all times.
- t. All new vegetation shall comply with both City of San Marcos landscape requirements and County of San Diego list of "Acceptable Plants and Trees for Defensible Space areas". This requirement should be included in CC&R as well so future homeowners are aware of planting restrictions after the development is built out.
- u. An area of 20 feet from each side of fire apparatus access roads and driveways shall be improved to Zone A standards and maintained clear of all vegetation with the exception of fire-resistive vegetation. This area shall be maintained by the HOA. Vertical clearance of 13-feet 6-inches shall also be maintained along fire apparatus access roads.
- v. Identify any current invasive plants within the 150-foot Fuel Modification Areas and confirm these will be removed.
- w. No pine trees of any type or similar flammable vegetation are to be planted within the project boundaries.
- x. The Landscape Plan shall address alternate methods for landscaping Zone 'A', should irrigation of the first 50 feet of defensible space not be available due to drought restrictions.
- y. The removal of native vegetation shall be avoided or minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. All revegetation plans shall be prepared and implemented consistent with Appendix C (Revegetation Guidelines) of the MHCP and shall require written.
- z. Any planting stock to be brought onto the site for landscaping or ecological restoration shall first be inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants, fire ants, and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. Materials shall also be inspected to ensure they are free from disease prior to installation. To the greatest extent possible container stock will be obtained from nurseries that incorporate the California Native Plant Society's best management practices for managing *Phytophthora*.

- aa. 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 would 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.
- 11. 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 (SDCWA). Said agreement shall allow the public use and the maintenance of the trail within the SDCWA easement.
- 12. The applicant/developer shall coordinate the recordation of a joint use agreement (or other mechanism) between the property owner and the SDCWA. Said agreement shall allow the use and the maintenance of the private roads, landscaping and sidewalks within the SDCWA easement.
- 13. Emergency access shall be designed to the satisfaction of the Fire Marshal inclusive of the emergency access gates with Knox Box and/or Opticom sensors. Emergency access gate location and design shall be approved by the Fire Marshal, City Engineer, and Planning Manager.
- 14. The project biologist shall sign the grading plans or provide a letter attached to the grading plans certifying that the proposed conservation area, biological setbacks, etc. are correctly shown on the plans.
- 15. 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 a 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.
- 16. Temporary perimeter fencing shall be installed to separate the project footprint from adjacent non-impacted vegetation communities. A fencing plan and photographs documenting fence installation shall be submitted to the City Planning Manager for approval prior to initiation of ground disturbance or vegetation removal. The removal of temporary fencing shall only occur after all clearing and construction has been completed.
- 17. A Construction Staging/Site Phasing Plan must be submitted to the Fire Department for approval prior to permit issuance.

18. Plans must show permanent fencing to be provided for all backyards abutting proposed open space. In addition, signs shall be posted precluding access due to preserved habitat, defining habitat sensitivity, and prohibiting dumping. Residents shall be provided with educational handouts upon purchasing a home or annual newsletters detailing access restrictions, methods to minimize the impacts of domestic animals on wildlife, methods to prevent irrigation runoff, and sensitivity of adjacent habitats.
  19. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services as determined by VWD, and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
  20. The applicant/developer shall submit “will-serve” letters from all affected public service and utilities agencies prior to issuance of grading permit.
  21. Prior to issuance of grading permit preservation of at least 50 percent of the net site acreage, 40.51 acres, (outside of existing easements) shall be placed into a Biological Conservation Area, as specified in the MHCP EIR. An endowment shall be created for this acreage that will provide funding for management of the land in perpetuity. Coastal Sage Scrub shall be preserved onsite at a minimum 1:1 ratio. The project shall preserve 32.24 acres of Diegan Coastal Sage Scrub, 0.80 acres of Coastal Sage Scrub-Baccharis Dominated, 0.02 acres of Southern Cottonwood-Willow Riparian Forest, 1.06 acres of Mule Fat-Scrub, 1.09 acres of Southern Willow Scrub, 1.56 acres of open water, 1.82 acres of Freshwater March, 0.51 acres of Non-native Grassland, 1.05 acres of Disturbed Habitat and 0.36 acres of Southern Coast Live Oak Riparian Forest.
- H. Prior to any construction or activity on-site, the applicant/developer shall comply with the following conditions:
1. 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.
  2. 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.
  3. 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 a 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.

4. 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. If agreed upon by the Native American Most Likely Descendant, at the time of discovery, discovered tribal cultural resources analysis and documentation of the found items may be permitted.
5. The project applicant/developer/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.
6. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
7. 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 as determined by the project Archeologist.
8. 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.
  9. 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.
  10. If human remains and associated burial goods are encountered, the project

- applicant/developer shall conform to California Health and Safety Code Section 7050.5 which 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), the applicant/developer shall leave in place and free from disturbance remains 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 NAHC must be contacted within 24 hours. The NAHC shall then immediately notify the “most likely descendant(s)” of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours after being allowed access to the site, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
11. Prior to issuance of grading permit preservation of at least 50 percent of the net site acreage, 40.51 acres, (outside of existing easements) shall be placed into a Biological Conservation Area, as specified in the MHCP EIR. An endowment shall be created for this acreage that will provide funding for management of the land in perpetuity. Coastal Sage Scrub shall be preserved onsite at a minimum 1:1 ratio. The project shall preserve 32.24 acres of Diegan Coastal Sage Scrub, 0.80 acres of Coastal Sage Scrub-Baccharis Dominated, 0.02 acres of Southern Cottonwood-Willow Riparian Forest, 1.06 acres of Mule Fat-Scrub, 1.09 acres of Southern Willow Scrub, 1.56 acres of open water, 1.82 acres of Freshwater March, 0.51 acres of Non-native Grassland, 1.05 acres of Disturbed Habitat and 0.36 acres of Southern Coast Live Oak Riparian Forest.
  12. If project construction activities are necessary during the bird breeding season (February 15th to August 31st), work may occur if a qualified biologist conducts a survey for nesting birds within three days prior to the work in the area, and ensures no nesting birds will be impacted by the project. If an active nest is identified, a buffer will be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer will be a minimum width of 300 feet (500 feet for raptors), will be delineated by temporary fencing, and will remain in effect as long as construction is occurring or until the nest is no longer active. No habitat removal or any other work will occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, or have left the nest and will no longer be impacted by the project. The pre-construction survey results will be submitted to the Wildlife Agencies for review and approval prior to vegetation removal to ensure full avoidance measures are in place.
  13. A qualified biologist shall conduct pre-construction surveys for least Bell's vireo if construction in the wetland area is to occur during breeding season (March 15 through September 30). If vireos are detected, then the applicant/developer will delay construction activities occurring within 500 feet of active territories until after fledglings have left the active territories.
  14. In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no clearing or grubbing activity will occur during the avian breeding season

(February 15 through August 31) within the project area, unless pre-construction surveys indicate that active nests are not present on the site or in surrounding areas. 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.

15. Prior to issuance of grading permit, the permanent impact to 0.02 acres of Southern Cottonwood-Willow Riparian Forest shall be mitigated at a 3:1 ratio for a total of 0.06 acres. This shall be accomplished through either 1) restoration, enhancement and/or creation of wetland habitat and placement of wetland habitat in a biological conservation area either on- or off-site and in coordination with the regulatory agencies or, 2) through purchase of credits in a wetland mitigation bank.

The temporary impact to 0.02 acre of Southern Cottonwood-Willow Riparian Forest shall be mitigated through either 1) purchase of credits in a mitigation bank to mitigate at a 3:1 ratio, or 2) revegetation within the impacted areas once project grading is complete.

Should restoration be selected as the preferred mitigation strategy, a restoration and monitoring plan for the wetland restoration areas shall be developed and submitted to the USACE and USFWS for approval prior to any ground disturbance of wetland habitat. The plan would include salvaging on-site plant materials (if appropriate) 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.

16. All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities, should occur in designated upland areas outside of the proposed preserve. The designated upland areas should be located in such a manner as to prevent any runoff from entering waters of the United States, including wetlands.
17. 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.
18. Indirect impacts shall be minimized during construction by implementation of Standard

Best Management Practices (BMPs) as described in the MHCP (Vol. II, Appendix B) as follows:

- a. The qualified project biologist shall monitor construction activities throughout the duration of the project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint. Construction monitoring reports shall be completed and provided to the jurisdictional City, USFWS and CDFW summarizing how the project is in compliance with applicable conditions. The project biologist should be empowered to halt work activity if necessary and to confer with staff from the applicable city, USFWS and CDFW to ensure the proper implementation of species and habitat protection measures. A summary of construction monitoring activities shall be submitted to the Planning Manager.
- b. A qualified biologist shall conduct a training session for all project personnel prior to proposed activities. At a minimum, the training shall include a description of the target species of concern and its habitats, the general provisions of the Endangered Species Act (ESA) and the MHCP, the need to adhere to the provisions of the ESA and the MHCP, the penalties associated with violating the provisions of the ESA, the general measures that are being implemented to conserve the target species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished. A summary of the training session shall be submitted to the Planning Manager.
- c. A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices, and other factors deemed necessary by reviewing agencies. Erosion control measures shall be monitored on a regularly scheduled basis, particularly during times of heavy rainfall. Corrective measures will be implemented in the event erosion control strategies are inadequate. Sediment/erosion control measures will be continued at the project site until such time as the revegetation efforts are successful at soil stabilization. The plan shall be reviewed and approved by the City Engineer.
- d. The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible. These requirements shall be noted on the construction plans.
- e. The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work. Photographic documentation of the marked limits shall be provided to the Planning Manager.
- f. The project contractor shall avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats

used by target species of concern. This requirement shall be noted on construction plans.

- g. When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing or other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments off-site. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from re-entering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.
- h. Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, USFWS, CDFW and RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas. This requirement shall be noted on the construction plans.
- i. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks. This requirement shall be noted on the construction plans.
- j. The removal of native vegetation shall be avoided or minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. All revegetation plans shall be prepared and implemented consistent with Appendix C (Revegetation Guidelines) of the MHCP and shall require written concurrence of the USFWS and CDFW.
- k. To avoid attracting predators of the target species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s). Pets of project personnel shall not be allowed on-site where they may come into contact with any listed species. These requirements shall be noted on the construction plans and periodically reviewed by the construction monitoring biologist.
- l. Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas. Documentation

of placement of the orange snow screen shall be submitted to the Planning Manager. The construction monitoring biologist shall confirm the construction fencing is maintained during the course of construction. Documentation of the placement of the orange snow screen shall be submitted to the Planning Manager. The construction monitoring biologist shall confirm construction fencing is maintained during the course of construction.

- m. Any habitat destroyed that is not in the identified project footprint shall be disclosed immediately to the City, USFWS, and CDFW and shall be compensated at a minimum ratio of 5:1.
  - n. If dead or injured listed species are located, initial notification must be made within three working days, in writing, to the USFWS Division of Law Enforcement in Torrance, California and by telephone and in writing to the City, Carlsbad Field Office of the USFWS, and CDFW.
  - o. The City shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs. The USFWS and CDFW may accompany City representatives on this inspection.
  - p. Any planting stock to be brought onto the site for landscaping or ecological restoration shall first be inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants, fire ants, and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. Materials shall be inspected to ensure they are free from disease prior to installation. To the greatest extent possible, container stock will be obtained from nurseries that incorporate the California Native Plant Society's best management practices for managing *Phytophthora*.
  - q. All mitigation sites shall be conserved through fee title acquisition or conservation easement, and proof of recordation shall be provided to the City prior to land disturbance.
19. 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. Approval of a Final Habitat Monitoring and Management Plan (HMMP) from the regulatory agencies
  - b. Conservation easements shall be recorded over the 40.51 acres to be preserved.

- c. 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.
  - d. Funding of a non-wasting endowment at an amount to be determined through the preparation of a Property Analysis Record (PAR), or similar analysis.
- 20. The Public Works Inspector shall conduct a pre-construction meeting in which City staff and representatives from the Developer's project team shall attend, including, as applicable, the project biologist, project archeologist, the Luiseño Native American monitor, civil engineer, geotechnical engineer, general contractor and qualified storm water pollution prevention plan practitioner (QSP). Construction monitoring activities shall be provided in writing to the Planning Manager and shall be inclusive of monitoring activities by the project biologist. Said monitoring activities shall be compliant with all regulatory permits and mitigation measures of the Final Environmental Impact Report.
- 21. Prior to any blasting, the applicant/developer shall comply with all applicable requirements per San Marcos Municipal Code Section 17.60 Blasting Operation.
- I. During construction, the applicant/developer shall comply with the following conditions:
  - 1. All grading shall be supervised by a Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and on the approved project plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.
  - 2. The applicant/developer shall comply with the City of San Marcos Climate Action Plan, Chapter 3.5, Implementation Actions O-1.1 & O-1.2 regarding Construction Equipment Efficiency and Fuels.
  - 3. 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.
  - 4. Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.
  - 5. 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.
  - 6. 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.
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. All combustible building materials shall be prohibited in all fuel management zones.
  10. All fuel modification shall be completed prior to commencement of any flammable construction. In addition, all access roadways, hydrants, and fire department connections shall be constructed or installed and approved by the San Marcos Fire Department prior to the delivery of combustible materials. Class II base material with a 95% compaction with a soils engineer's report is acceptable for construction of models on lots 86 – 89.
  11. The project must comply with Regional Air Quality Standards.
  12. At least one (1) copy of the approved plans, approved letters, and conditions of approval must be available for review at the subject site at all times.
  13. The following measures from the Fire Department shall be complied with:
    - a. The applicant/developer shall submit an emergency access plan with applicable phasing requirements to the satisfaction of the Fire Marshal.
    - b. At a minimum the first lift of asphalt paving shall be in place prior to delivery of combustible materials on site to provide a permanent all weather surfaces for emergency vehicles.
    - c. The main, secondary and tertiary access points shall all be drivable and approved by fire department in accordance with the aforementioned emergency access plan prior to combustible material delivery.
    - d. All fire hydrants shall be installed, in service and accepted by the SMFD and applicable water district.
    - e. Perimeter fuel modification areas must be implemented and approved by the

SMFD.

- f. On-site current flammable vegetation shall be reduced by 50% .
  - g. Dead fuel, ladder fuel (fuel which can spread fire from ground to trees), and downed fuel shall be removed and trees/shrubs shall be properly limbed, pruned, and spaced as stipulated in the Fire Protection Plan (FPP).
  - h. A permit shall be obtained from the San Marcos Fire Department for the storage of any flammable liquid material.
- J. 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-use trail systems, and bioretention 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 projects as outlined in the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, applicant/developer shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance.
  - 3. 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. 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 on the correct coordinate system plus PDF versions of all approved drawings, recorded documents and project reports (i.e. soils report, drainage study, SWPPP, Storm Water Quality Management Plan, structural calculations, title report and guarantee and etc.) shall be included.
  - 4. 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.
- K. To the extent feasible and as permitted by law, applicant/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.

- L. 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.
- M. Prior to the sale of any 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 5<sup>th</sup> day of March, 2018, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

APPROVED:

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Kevin Norris, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Sandra Gallegos, Senior Office Specialist  
SAN MARCOS CITY PLANNING COMMISSION