

RESOLUTION PC 18-4693

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION RECOMMENDING THE CITY COUNCIL  
APPROVE A SITE DEVELOPMENT PLAN WITHIN THE  
MURAI SPECIFIC PLAN AREA (SPA) IN THE COLLEGE  
AREA NEIGHBORHOOD

SDP 16-002  
(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, requesting approval of a Site Development Plan to address design of residential units and plotting of floor plans and elevations in the Murai Specific Plan area for a Single Family Residential subdivision project consisting of 89 residential lots/units, four private parks, private streets, public trails and open space, in conjunction with General Plan Amendment (GPA 15-005), Specific Plan (SP 15-009), Tentative Subdivision Map (TSM 15-007), Grading Variance (GV 15-002), Conditional Use Permit (CUP 15-008), 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 Site Development Plan (SDP) 16-002 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 orderly development on the project site, a Tentative Subdivision Map (TSM 15-007) for 89 single-family residential lots, access/ private street lots, open space lots, trails, and private park lots, a Grading Variance (GV15-002) to allow manufactured slopes in excess of 20 feet in height without benching within the project area and a Conditional Use Permit (CUP 15-008) to allow for the temporary use of a rock crusher during grading operations; and

WHEREAS, a Notice of Preparation Scoping Meeting and 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, Resolution No. PC 18-4694) 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's recommendation is based on the following findings and determinations:

1. The project conforms with the General Plan as proposed to be amended, any applicable Specific Plan, and all provisions of this Zoning Ordinance and Code in that the project requires approval of a Specific Plan which requires high quality design (San Marcos General Plan Policy LU5.6) which in turn helps to promote community design that produces a distinctive, high quality built environment with forms and character that create memorable places and enrich community life (San Marcos General Plan Land Use Goal LU-5) and helps achieve a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community (San Marcos General Plan Land Use Goal LU-1). The project is for an 89 lot single family residential subdivision as stipulated in the Land Use and Community Design Element of the General Plan. The project is requesting approval of a General Plan Amendment (GPA) to remove the site's designation as a future public park. The proposed General Plan Amendment is consistent with the goals, policies, and objectives of the General Plan Land Use & Community Design Element and Parks, Recreation, and Community Health Element in that the removal of the project site's designation for a public park in the General Plan, will make it consistent with the City's 2017 Parks Master Plan Update. The current identification of the site to provide a future public park on a portion of the site, in the General Plan, was derived from the City's 1990 Parks Master Plan, which has been updated and the no portions of the site are identified to provide a future park. The project is consistent with the General Plan Goals and Policies since the residential units would meet the demand for future housing in the City, the project proposes a density and type of development compatible with current surrounding development pattern and is designed with architectural style based on compatibility with the surrounding land uses. Proposed residential structures will be similar in height and bulk to current and planned residential projects. The project is designed with private roadways, sidewalks and a combination of public and private trails which provide for a variety of mobility options.
2. As feasible, the project preserves mature trees and will not unnecessarily remove trees and natural vegetation. The project will preserve 40.51 acres in natural state as dedicated Biological Open Space. The project construction will result in removal of 20 trees, however it is designed to be re-planted with approximately 600 new trees.
3. The project will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting. The project site does not have any prominent landforms, as identified in the General Plan and is not a protected scenic vista. The proposed development would not alter or impede views of prominent landform as those views would remain unobstructed. The project's grading is designed to be in harmony with the site's existing topography as the project grading will be contoured in compliance with the City's Grading Ordinance. The project

does include manufactured slopes that exceed 20' in height. A Grading Variance is concurrently processed to allow for this deviation. The project will preserve 40.51 acres as Biological Open Space in perpetuity and will manage the preserve area through the project's future homeowners association. The grading footprint for the project will be contained on 29.65 acres on a 91.65 acre site.

4. The project will not have any non-residential uses. The proposed project is to allow for an 89 lot/units single family residential subdivision. All surrounding areas are also residential in nature. Therefore buffering between residential and non-residential uses is not required. The project otherwise is in the best interests of the public health, safety, and general welfare.
5. The structure(s), Site Development Plan, and landscaping are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site. The proposed project is located northwest of an existing single family residential development and southwest of a planned single family residential project/San Marcos Highlands. The architectural style of the project has been chosen based on compatibility with the surrounding land uses. The similar architectural style of the proposed project would appear to be an extension of the existing residential development in the vicinity. Proposed residential structures will be similar in height and bulk. Landscape design includes native plants, drought resistant plant species and fire-resistant landscape design consistent with the project's Fire Protection Plan and in compliance with the Chapter 20.330 of the San Marcos Municipal Code (Water Efficient Landscape Ordinance (WELO)). The project has been designed to be sensitive to existing topography of the site. Views of the surrounding hillsides would remain unobstructed from State Route 78 (SR-78). The project site is not a protected scenic vista nor is it located on a ridgeline. Proposed development will be set below the highest elevation on the project site.
6. The structures and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists and vehicles. The grading footprint for the project will be contained on 29.65 acres on a 91.65 acre site. The project will conserve 40.51 acres as Biological Open Space on-site. The proposed Specific Plan for the project details architectural treatments to ensure a complementary appearance of the structures. The proposed elevations and floor plans blend with the surrounding residential development. Exterior finishes and colors of structures would be varied yet blend with the color tones of the natural surroundings through the use of earth tones, avoiding reflective and bright materials and finishes, and incorporating rough textures to complement the coarseness of the site's surroundings. The project has been designed to allow for different modes of transportation. In addition to providing streets for vehicular access, it is designed with multi-use trail network and sidewalks that connects with the Citywide trail system as well as on-site parks that can be easily accessed on foot by project residents. The collector streets will be shared by bicyclists as well.
7. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, and landscaping; provides adequate and effectively concealed trash, storage, and utility/mechanical equipment. The project has been designed

to be sensitive to existing topography on site. There are no structures on-site to be maintained, rehabilitated or improved as the site is in natural state. There are no Zoning, Building or other Code violations to be corrected. All utilities for each residential unit will be located inside the unit and will not be visible from public streets. Landscaping for the project is designed with drought tolerant plant materials that are aesthetically complimentary to the overall site design.

8. The project site has no current signs on-site. The proposed sign design identified in the proposed Specific Plan to identify the residential subdivision will be consistent with the character of the project and surrounding area.
9. The project provides all required on-site and off-site public improvements, in compliance with City adopted Design Manuals and Guidelines, as approved by the review authority. The project is designed in compliance with applicable guidelines to provide any on-site improvements for access, fire protection, water and waste water conveyance. The project will annex into CFD 2001-01 for fire protection services, and CFD 98-01 Improvement Area #1 for police protection services to contribute toward the future resources needed by the Fire and Police Departments. The project will also pay school mitigation fees that are in effect at the time of building permit issuance. The project would also mitigate its contribution to conveyance impacts plus the increase in demand through the payment of Wastewater Capital Facility Fees to Vallecitos Water District. Implementation of the project's comprehensive water quality management plan, which incorporates bio-filtration and BMPs, would ensure the project would treat runoff containing the pollutants of concern for locally impaired water bodies.
10. The project provides open space, parking areas, and landscaping consistent with this Zoning Ordinance and in a manner that visually enhances the physical use of the property. The project design is consistent with all the applicable provisions of Specific Plan (SP 15-009, Resolution No. PC 18-4689). The project will conserve 40.51 acres on-site as biological Open Space and will manage the conserved area in perpetuity. Parking for each residential unit is provided in attached garages. Additional parking is available on proposed private streets in the subdivision. The landscape design includes native plants, drought resistant plant species and fire-resistant landscape design, consistent with the project's Fire Protection Plan. The project will comply with the City's Water Efficiency Landscaping Ordinance (WELO).

NOW, THEREFORE, the Planning Commission resolves as follows

- A. The foregoing recitals are true and correct.
- B. The Site Development Plan (SDP 16-002) is recommended to the City Council for approval in conjunction with the General Plan Amendment (GPA 15-005), Specific Plan (SP 15-009), Tentative Subdivision Map (TSM 15-007), Grading Variance (GV 15-002), Conditional Use Permit (CUP 15-008), and Environmental Impact Report (EIR 16-001). All conditions are hereby incorporated by reference herein.
- C. The project complies with all the provisions of Murai Specific Plan (SP 15-009)
- D. This Site Development Plan is approved per the submitted site plan date stamped March 5,

2018, architectural elevations, materials board, and conceptual landscape plan, and subject to compliance with the conditions of approval of this Resolution PC 18-4693.

- E. 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 18-4690 (Tentative Subdivision Map 15-007), Resolution PC 18-4691 (Grading Variance 15-002), Resolution PC 18-4692 (Conditional Use Permit 15-008) and Resolution PC18-4694 (Environmental Impact Report 16-001) . All conditions are hereby incorporated by reference herein.
- F. Within thirty (30) days of the approval of Site Development Plan (SDP) 16-002, the final approved site plan, landscape plans, floor plans, and elevations shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I (we), \_\_\_\_\_, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 18-4693." 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 Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.
- G. The Planning Commission recommends to the City Council approval of Site Development Plan 16-002 per the submitted site plan, floor plans, architectural elevations, materials board, and conceptual landscape plan, and subject to compliance with the following conditions:
  - 1. The applicant/developer must comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
  - 2. The applicant/developer must ensure that prospective purchasers sign a disclosure acknowledging that the property is within the City's Community Facilities Districts Boundaries which are subject to supplemental tax assessments. Annexation into one or more of these districts and payment of in-lieu fees is required.
  - 3. The applicant/developer is 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.

4. The applicant/developer must 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 and/or serving the project. It shall be the applicant/developers responsibility to determine all agencies with rights of approval for the proposed development.
5. Minor architectural adjustments to the approved Site Development Plan may be reviewed and processed administratively with the Planning and Engineering Divisions. Refinements to the approved plans shall only be considered within building envelopes on the approved Site Development Plan (SDP 16-002).
6. The applicant/developer must comply with and implement all Mitigation Monitoring Program measures as outlined in Environmental Impact Report (EIR 16-001) Resolution PC18-4694.

H. Prior to issuance of any grading permit, the following conditions must be complied with:

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 or 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. The acquisition of off-site fuel management easements from adjacent properties 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.

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/homeowner association maintained and CFD landscape areas to the Planning Division for review and approval per the following requirements:
  - a. Separate landscape plans shall be submitted for the private/homeowner association and CFD landscape areas. Landscape plans shall include a phasing plan.
  - 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 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 be reviewed 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 SP15-009 and Site Development Plan SDP16-002. 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. 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-resistant 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 feet 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 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 in accordance with the fire protection plan and tentative subdivision map, 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.

- I. 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 applicant/developer and 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 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. 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. 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 re-vegetation 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 adequate preservation and management of the proposed biological conservation areas in perpetuity consistent with Multiple Habitat Conservation Program (MHCP) guidelines, the following shall occur prior to initiation of the habitat "take" i.e. vegetation clearing:
  - a. City and regulatory agencies approval of a Final Habitat Monitoring and Management Plan (HMMP).
  - b. Recordation of conservation easements on the 40.51 acres to be preserved.
  - c. Execution of a management and funding agreement between the applicant/developer and an experienced natural lands manager 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.

J. Prior to delivery of combustible building construction materials to the project site; the following conditions must be completed to satisfaction of the Fire Dept. (1) Fire Hydrant(s) shall be installed, approved and usable. (2) Fire Lane or Access Roads shall be in place and

provide a permanent all weather surface for emergency vehicles that support weight of fire apparatus (75,000 lbs). Class II base material with a 95% compaction with a soils engineer's report is acceptable for construction of models on lots 86 – 89.

K. 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.

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

1. The approved precise grading plans shall be attached to the building plans.
2. 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.
3. The Final Map shall be recorded prior to building permit issuance.

4. All Public Facilities Fees and College Area Community Plan Exhibit C fees, as established by the latest adopted ordinances and resolutions, shall be paid in full to the satisfaction of the City Manager.
5. 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.
6. The proposed new development is subject to approval by the Vallecitos Water District (VWD) and all applicable fees and charges shall be paid to the District prior to permit issuance. Annexation into VWDs sewer service area is also required prior to building permits issuance.
7. The proposed new development is subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
8. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
9. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the completion of on-site and off-site improvements, and the location of all buildings in each phase. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
10. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
11. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
12. 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.

13. 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.
14. New buildings and remodeled structures must 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. The proposed development shall also comply with the latest adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards.
15. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
16. Building plans and instruments of service submitted with a building permit application must be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
17. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall be identified in accordance with Health and Safety Code Section 25101.
18. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
19. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures includes such items as reinforced door jambs, one piece door stops, locking hardware for garage doors and laminated safety glass as required.
20. 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 whatever the features are standard, limited, optional or not available, and the point of construction by which they must be requested.
21. The applicant/developer shall comply with the City's Inclusionary Housing Ordinance that specifies fifteen percent (15%) of new housing construction must be affordable housing or the developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
22. An architectural lighting plan shall be submitted for review and approval. All exterior lighting shall comply with the lighting standards outlined in San Marcos

Municipal Code (SMMC) 20.300.080, the Murai Specific Plan SP 15-009 and Mitigation Measure BIO-5d in EIR 16-001, which states that all exterior 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.

23. All homes shall be designed with low-flow plumbing fixtures (e.g. hybrid waterless urinals, low-flow toilets, low flow sinks and low flow showers) in accordance with Title 24 requirements.
24. The project design shall incorporate on-site photovoltaic solar panels to provide 85% of the total annual power demand of the project. An energy audit or similar report shall be submitted for the project to demonstrate the project's annual energy demand and to show 85% of the annual power demand will be provided by on-site photovoltaic solar panels.
25. The Development shall demonstrate compliance with the latest approved Fire Protection Plan prepared by Dudek, dated April 2017.
26. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. Provide a copy of building plans in Geo-Referenced format to be used by the Fire Department for pre-fire planning purposes. Information shall specifically include a site plan, building plan, all Utility shut-offs, fire sprinkler risers and shut-off valves, the fire department connection for sprinkler and class-I standpipe, all standpipe hose outlets, all stairwells, retail spaces, living units - numbers /locations, fire alarm panels, elevators, fire hydrants and all Knox boxes and key switch locations. The following shall be used- Coordinate System Name: NAD\_1983\_StatePlane\_California\_VI\_FIPS\_0406\_Feet
27. The applicant/developer shall comply with all requirements of the San Marcos Fire Department (SMFD) including the following:
  - a. Provide all weather surface access roads which provide a minimum 24 foot width and proper turn radii of 28-feet as measured on the inside edge of the improved width or as identified in the Fire Protection Plan and the Tentative Subdivision Map. Roads shall be designed to support the imposed loads of fire apparatus, approximately 75,000lbs. Cul-de-sacs for turn-around of fire apparatus shall be provided.
  - b. Signs reading "NO PARKING FIRE LANE" are required. The number of, placement and wording for all fire lane signs and/or red curbs shall be as required by CA. Vehicle Code, section 22500.1, 22658(a) and San Marcos Fire Department Standards.
  - c. The applicant/developer shall provide and maintain 150 foot -fire/fuel breaks or as modified by the approved Fire Protection Plan and to the satisfaction of the San Marcos Fire Department. Fire/fuel breaks size and composition shall be

determined by the Fire Department and shown on the improvement/grading plans, final map and building plans. The requirements to maintain these zones in perpetuity shall be spelled out in CC&R documents as well.

- d. A secondary access road as shown on project plans off North Las Posas Road is required in case the main entry road is not useable. A tertiary emergency egress road separate from primary and secondary access off North Las Posas Road is also required for egress of residents' vehicles and ingress/egress of emergency vehicles, as depicted on the project plans. Electric gates will be allowed at the secondary access road for Fire Department's use only to enter from Las Posas Road into the development.
- e. The separate tertiary access road needs to be provided as an entry and exit point for fire apparatus and other vehicles between Private Street "A" and Avenida Leon through the SDCWA easement. The access road shall be designed and installed to SDCWA standards. This emergency access is required and shall be noted on building plans, with a site map showing vehicle access via this easement access road, leading from the project to Avenida Leon. The applicant/developer shall provide documentation from SDCWA indicating the water authority is aware the Tertiary access road is required and may be used by emergency services and residents during a fire or other disaster that requires evacuation of the Murai community. This roadway will have one gate with an approved Knox padlock and Knox box.
- f. All fire access roads shall be a minimum of 24 feet wide or as identified in the Fire Protection Plan and Tentative Subdivision Map, as measured at the bottom of curbs.
- g. Interior project roads are required to be constructed to a minimum 40-foot widths and shall be improved with asphalt paving materials. Any dead end roads serving new buildings that are longer than 150-feet shall have approved provisions for fire apparatus turnaround and firefighter access on foot. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13feet 6 inches.
- h. The project is required to ensure the roadways will be maintained to the requirements of the Fire Department. The HOA is to assess maintenance dues monthly, provide a reserve fund and maintain the site's roads.
- i. Emergency access road sections exceeding 15% grade will be provided with heavy broom finish perpendicular to the path of travel. Sections exceeding 15% grade will also be constructed with Portland Concrete surface and capable of supporting the dynamic weight of fire apparatus. The angle of departure or approach for each entrance for Private Street "A" or secondary Access onto N. Las Posas Road will not exceed 12%.
- j. Access roads shall be completed and paved prior to issuance of building permits and prior to combustible construction occurring. Class II base material with a 95% compaction with a soils engineer's report is acceptable for construction of

models on lots 86 – 89.

- k. The water supply system for all fire hydrants shall be looped throughout the development. Dead-end hydrants are not allowed. The applicant/developer shall obtain a letter from VWD stating the project will be serviced and adequate fire flow per the Fire Department's requirements can be provided for all hydrants in the project.
- l. Install bronze residential fire hydrant(s) at location(s) required by Fire Department. A separate plan sheet showing all hydrant locations and water supply piping for hydrant shall be provided. Fire Hydrant blue dot markers shall be installed to indicate location of all fire hydrants served by this project. All Fire Hydrants (top bonnet) shall be color coded per NFPA standards. Fire hydrant spacing shall not exceed 600 feet on center between fire hydrants.
- m. Installation of all fire hydrants for this project shall be per local Water District and Fire Department specifications. (One 4-inch and one 2.5-inch port.) Each hydrant shall be capable of providing 1500 gpm fire flow for a minimum duration of three hours at 20 psi residual pressure.
- n. Existing fire hydrant(s) on N. Las Posas Road within 100 feet of entry to Murai Development shall be capable of providing 1,000 gpm fire flows for two hours or shall be upgraded to provide adequate fire flow as required by the Fire Department.
- o. A fire hydrant shall be installed on N. Las Posas Rd, near main entry to the development (below Lot#1).
- p. All building materials used shall comply with Chapter 7A of current adopted edition of CA. Building Code.
- q. Each dwelling shall be equipped with a residential fire sprinkler system that complies with 2013 or current adopted edition of NFPA-13D. Plans shall be submitted to Parsley Consulting; fire sprinkler plan review consultant for San Marcos Fire Protection District.
- r. All new structures within the project shall comply with the enhanced ignition-resistant construction standards of the 2016 CBC (Chapter 7A). Any accessory attachments, shade structures or other construction (attached or detached) at any dwelling or at any park, including patio covers, decks, partially enclosed exterior patios, sheds, play structures, etc. shall be of non-combustible or heavy timber material and comply with the Office of the State Fire Marshal requirements for the fire resistive materials. All fences and gates that are attached to dwellings shall be built with non-combustible materials.
- s. Provide additional fire protection measures of a 6-feet high, heat deflecting wall and dual tempered pane windows for lots 7, 8, and 9 to augment the non-conforming Fuel Management Zone (FMZ) widths as stipulated in the FPP. The wall behind lots 7, 8 and 9 shall extend a minimum of 5 feet beyond either side

of the property lines of lots 7 and 9.

- t. Exterior fire sprinklers are required for any projection from dwelling units that exceeds four feet in width and/or length. This includes covered decks, patios, porticos etc.
- u. Exterior fences attached to dwellings shall be non-combustible material.
- v. No fire pits are allowed. Enclosed exterior fireplaces may be allowed on case by case basis. No community fire pits are allowed on any location in the parks since the development is located in a High Fire Hazard Zone.
- w. New dwelling or structure are required to be designed using State Fire Marshal standards for fire resistive construction features per 2016 CBC, Chapter 7A.
- x. Gates or other devices that may obstruct fire access roadways shall be provided with Knox Key switch with cover and all drive gates shall be equipped with approved emergency traffic strobe sensor(s), which opens the gate on approach of emergency vehicles. Gates shall have battery back-up or manual means of disconnect in case of power failure.

M. Within 45 days prior to model opening, the applicant/developer must provide to the City a detailed status/checklist of all items that must be completed prior to occupancy in accordance with all conditions of approval.

N. Prior to occupancy of any production unit, the following conditions must be complied with:

- 1. All applicable easements and agreements shall be recorded prior to occupancy.
- 2. As-Built drawings shall be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.
- 3. The proposed development must satisfy the conditions of approval prior to the first occupancy. The applicant/developer or property owner 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.
- 4. The project must be completed in accordance with the approved site plan, floor plan, landscape plan, and elevations drawings. All public infrastructure improvements, emergency access routes and park amenities as shown on the grading, landscaping and improvement plans shall be constructed per a City approved phasing plan and to the satisfaction of the City Engineer, Planning Manager and Public Works Director.

5. Address numbers for each building shall be placed in a position that is contrasting in color and plainly visible from street or road fronting the property. Building numbers shall be 12" inches high with a minimum stroke of 1-1/2 inches. Individual townhouse numbers shall be a minimum of 4 inches in height.
6. All applicable easements, agreements (including encroachment agreements), and Codes, Covenants, and Restrictions (CC&Rs) must be recorded.
7. All landscaping shall be completed, and inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.
8. 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.
9. Prior to turning over the landscape areas to the Home Owners Association, the developer shall:
  - a. Install all landscaping per the approved landscape plans.
  - b. Monitor all slope planted areas to ensure that planting achieves 100% coverage on the slopes.
  - c. Establish a watering schedule that must be reviewed and approved by the City's landscape/restoration consultant. If recommended by the City's restoration consultant the water schedule may be modified to assure areas are not overwatered or under-watered.
  - d. Landscape inspection is required by City to verify all plantings are in a healthy and thriving condition before it is released to the HOA.
  - e. The HOA representative shall submit a letter to the City acknowledging their responsibility and that these areas will be maintained in perpetuity.
10. 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 98-02, Lighting, Landscaping, Open Space and Preserve Maintenance; and c.) CFD 2001-01, Fire and Paramedic.
11. 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.

12. All recreation facilities (private parks, common open space areas, etc.) must be completed in accordance with the City approved phasing plan.
13. The site must be inspected and approved by the San Marcos Fire Department.
14. The applicant/developer must retain all records of initial and annual inspections and submit copies to the Fire Department.
15. All landscaping onsite must be adequately maintained and kept free of weeds trash, debris, and dead vegetation.
16. The applicant/developer shall pay the City's Public Facility Fee (PFF) and the College Area Community Plan Exhibit C fees in accordance with the latest adopted ordinance/ resolution and to the satisfaction of the City Manager.
17. The project shall interconnect signals at the intersections of Las Posas Road/Borden Road and Las Posas Road/Avenida Azul. Interconnecting the two signals would require trenching approximately 0.5 mile of fiber optic cable between the two intersections and installing utility pullboxes every few hundred feet where appropriate. The project shall also develop the signal coordination timing plans for the segment of Las Posas Road from Mission Road to Borden Road.
18. The project shall contribute a fair share toward the cost of installing a traffic signal at the intersection of Las Posas Road/Camino del Sol (ultimate improvement for this intersection).
19. The project shall contribute a fair share toward the cost of constructing a dedicated right-turn lane on the westbound approach of the intersection of Las Posas Road/Mission Road.
20. The existing tree located approximately 100 feet south of the primary project access intersection shall be removed to provide the minimum required intersection corner sight distance. The area within the sight triangle adjacent to the south side of the project access intersection shall also remain free from any object exceeding 36 inches in height. Additionally, plantings within the future Las Posas Road median proposed as part of the proposed project shall emphasize low plants that will not exceed 36 inches in height at maturity.
21. The applicant/developer shall pay Water Capital Facility Fees per VWD Ordinance 175. These fees would go towards water infrastructure improvements identified in VWD's 2008 CIP. Proof of fee payment shall be provided to the City of San Marcos Planning Division.
22. Prior to the issuance of any occupancy permit, the applicant/developer shall pay Wastewater Capital Facility Fees per Vallecitos Water District Ordinance 176. The purpose of the fee is to provide adequate wastewater conveyance and treatment to

serve new development within VWD's service area and to provide adequate funding for future financing and construction of facilities described in VWD's 2008 CIP. Proof of fee payment shall be provided to the City of San Marcos Planning Division.

- O. This Site Development Plan shall become null and void if not acted upon within two (2) years of the adoption of this resolution consistent with the expiration date of TSM 15-007 (Resolution PC 18-4690).
- P. 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.
- Q. 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.

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