

# STAFF REPORT

## PLANNING COMMISSION MEETING

**MEETING DATE:** October 9, 2019  
**SUBJECT:** Montiel Rd Partners LP. Tentative Subdivision Map (TSM14-006) Time Extension.  
**CASE NUMBER:** TE19-0001  
**APN:** 228-120-09-00 and 228-120-34-00

### Recommendation

APPROVE the following, in the order set forth below:

1. APPROVE Resolution PC 19-4796 (Time Extension 19-0001) granting a 2-year time extension for a previously approved Tentative Subdivision Map (TSM14-006) for up to nine (9) single-family lots on a 2.7-acre property in the Single-Family Residential (R-1-10) Zone. Mitigated Negative Declaration (ND17-001) was previously adopted for TSM14-006; therefore, no additional environmental clearance is required for the requested time extension.

### Background

- On August 21, 2017, Tentative Subdivision Map (TSM14-006) was originally approved by Planning Commission by 4 to 1 vote to allow for up to nine (9) single-family lots on a 2.7-acre property at 2110 Montiel Road. In addition, Mitigated Negative Declaration (ND17-001) was adopted pursuant to the California Environmental Quality Act (CEQA). The original staff report and approval resolution (PC 17-4633) is included in Attachment C.
- On August 31, 2017, two (2) appeals of the Planning Commission's decision were filed by neighbors, Ms. Barbara Radtke and Ms. Allison Ramirez. Several issues of concern were stated in the neighbors' appeals as discussed in the City Council staff report (Attachment D).
- The primary issue for Ms. Ramirez was the potential impact to her property's septic system by the proposed subdivision. In response, the project applicant revised the grading design of the adjacent Lot 5 by moving the proposed retaining wall approximately 30 feet away from the property line. This modification complies with County of San Diego Environmental Health Department standards for septic system setbacks.
- On December 12, 2017, the City Council denied the appeals and upheld the Planning Commission approval of TSM14-006 including the redesign of Lot 5 and modification of Condition I-17 (Resolution PC 17-4633) per CC Resolution No. 2017-8432 (Attachment D). Condition I-17 was

modified to require a land use deed restriction for Lot 5 which prohibits any grading behind the proposed retaining wall by the future homeowner.

- The Tentative Subdivision Map (TSM14-006) will expire on December 12, 2019 as stipulated in Condition C of CC Resolution No. 2017-8432.
- The applicant has requested a 2-year time extension for additional time to prepare the Final Map and complete the process prior to expiration of the tentative subdivision map on December 12, 2019. Staff is supportive of the requested time extension since the applicant has been actively pursuing Final Map approval including grading and improvement plans which are currently being processed by the City. The 2-year time extension will provide the applicant adequate time to prepare and complete the Final Map process with the City.

Resolution PC 19-4796 for the requested time extension carries over the conditions of approval for TSM14-006 from the previously approved Resolution PC 17-4633. Condition I-17, which was modified by City Council, is now Condition B-17 in Resolution PC 19-4796 which uses a new resolution format.

#### Environmental Review

No additional environmental clearance is needed for the requested time extension as Mitigated Negative Declaration (ND17-001) was previously adopted for Tentative Subdivision Map (TSM14-006) and no new environmental information or documentation was presented in review of the requested time extension revealing any new unidentified environmental impacts which had not been previously mitigated.

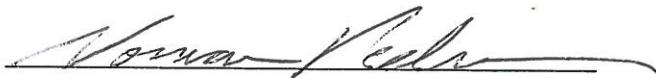
#### Attachment(s)

##### Adopting Resolution:

1. Resolution PC 19-4796 (Time Extension 19-0001) - A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A 2-YEAR TIME EXTENSION FOR TENTATIVE SUBDIVISION MAP (TSM14-006) FOR UP TO NINE (9) LOTS WITHIN THE SINGLE-FAMILY RESIDENTIAL (R-1-10) ZONE

- A. Vicinity Map
- B. Approved Tentative Subdivision Map (TSM14-006)
- C. PC Staff Report (8/21/17) and Resolution PC 17-4633 for TSM14-006
- D. CC Staff Report (12/12/17) and Resolution No. 2017-8432 for Appeals

Prepared by:



Norm Pedersen, Associate Planner



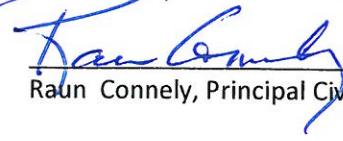
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

Reviewed by:



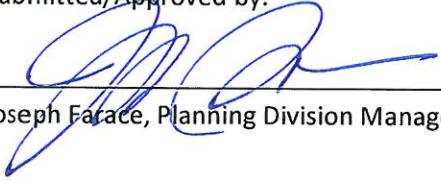
Saima Qureshy, AICP, Principal Planner

Reviewed by:



Raun Connely, Principal Civil Engineer

Submitted/Approved by:



Joseph Farace, Planning Division Manager

RESOLUTION PC 19-4796

A RESOLUTION OF THE CITY OF SAN MARCOS  
PLANNING COMMISSION APPROVING A 2-YEAR TIME  
EXTENSION FOR TENTATIVE SUBDIVISION MAP (TSM14-  
006) FOR UP TO NINE (9) LOTS WITHIN THE SINGLE-  
FAMILY RESIDENTIAL (R-1-10) ZONE

TE19-0001 (TSM14-006)  
Montiel Rd Partners LP

WHEREAS, on June 18, 2019, the City received an application from Montiel Rd Partners LP requesting a 2-year time extension for Tentative Subdivision Map (TSM14-006) for up to nine (9) single-family lots on a 2.7-acre site located at 2110 Montiel Road within the Single-Family Residential (R-1-10) Zone in the Richland Neighborhood more particularly described as:

Brief Legal Description: Portion of Lot 3 of Block 6, Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Number(s): 228-120-09-00 and 228-120-34-00;  
and

WHEREAS, on August 21, 2017, the Planning Commission approved Mitigated Negative Declaration (ND17-001) and Tentative Subdivision Map (TSM14-006) at a duly advertised public hearing held in the manner prescribed by law; and

WHEREAS, on August 31, 2017, two appeals (AA17-0002 and AA17-0003) were filed by Ms. Barbara Radtke and Ms. Allison Ramirez in opposition to the decision of the Planning Commission; and

WHEREAS, on December 12, 2017, the City Council denied the appeals and upheld the Planning Commission decision with a design revision for Tentative Subdivision Map (TSM14-006) and modification of Condition I-17 of Resolution No. PC 17-4633. TSM14-006 will expire twenty-four (24) months from the date of City Council Resolution No. 2017-8432 on December 12, 2019; and

WHEREAS, the project applicant has filed for a time extension of Tentative Subdivision Map (TSM14-006); and

WHEREAS, the Development Services Department did study said request, and recommends approval of a 2-year time extension; and

WHEREAS, no additional environmental clearance is needed for the requested time extension as Mitigated Negative Declaration (ND17-001) was previously adopted for Tentative Subdivision Map (TSM14-006) and no new environmental information or documentation was presented in review of the requested time extension revealing any new unidentified environmental impacts which had not been previously mitigated; and

WHEREAS, on October 9, 2019, the Planning Commission did consider a recommendation for a 2-year time extension to December 12, 2021; and

WHEREAS, the Planning Commission did consider said Tentative Subdivision Map and the recommendation by City staff, including but not limited to 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 and Fire Protection District with respect thereto; and

WHEREAS, the applicant/developer proposes to file a Final Map of said subdivision.

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby approves this Tentative Subdivision Map extension pursuant to the City Subdivision Ordinance (SMMC Title 19), and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution, and subject to compliance with the conditions of approval in Exhibit A attached hereto and incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. The mitigation measures in previously adopted Mitigated Negative Declaration (ND17-001) are hereby incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- D. The Planning Commission's decision is based on the following findings and determinations:
  1. The conditions of approval in the attached Exhibit A, and the findings below 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.
  2. The Tentative Subdivision Map extension is in conformance with the goals, policies, and objectives of the General Plan in that it provides a single-family residential use in an area of the City designated for single-family residences with a density not to exceed 3.3 dwelling units per acre.

3. The site is physically suitable for this type of subdivision and the proposed density of development is within the allowed density for the City's General Plan.
4. The design or improvements will not conflict with any easements acquired by the public at large for access.
5. The design of the subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.
6. The design of the subdivision and improvements will not cause significant unmitigated environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the environmental assessment prepared for the development.
7. The Tentative Subdivision Map extension, 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.
8. All requirements of CEQA and the environmental protection provision of the City's Subdivision Ordinance (SMMC Title 19) have been met in that this Tentative Subdivision Map extension, as conditioned, will not have a significant effect on the environment, as reviewed and analyzed in the previously adopted Mitigated Negative Declaration (ND17-001) and the mitigation monitoring and reporting program, in that all potential impacts related to aesthetics, biological resources, cultural resources, geology/soils, hydrology/water quality, noise, and public services will be mitigated to a level less than significant.

E. This Tentative Subdivision Map extension is within the scope of the previously adopted Final Mitigated Negative Declaration (ND17-001) and the mitigation monitoring and reporting program pursuant to CEQA.

F. The Tentative Subdivision Map extension complies with the requirements of the City's Subdivision Ordinance and the State's Subdivision Map Act.

G. Within ten (10) days after the adoption of this resolution, any person who has written or spoken at the Planning Commission hearing may appeal the foregoing finding of this Commission to the City Council. No Final Map shall be approved, no grading permit issued, and no building permits issued for permits, other than temporary uses, until after the expiration of the tenth (10<sup>th</sup>) day following the adoption of this Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.

H. The approval of this Tentative Subdivision Map extension shall expire on December 12, 2021. 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 State's 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.

- I. Within thirty (30) days of the approval of the time extension (TE19-0001) of Tentative Subdivision Map (TSM14-006) the approved plans (i.e.: tentative subdivision map, landscape plans, etc.) shall be submitted as a digital file on a CD including this Resolution 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 Resolution PC 19-4796" 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.
- J. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, and all City ordinances, resolutions, policies and procedures, and with all applicable state and federal regulations, as may be amended from time to time, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated by reference and made a part of this Resolution with the same force and effect as though fully set forth herein.
- K. 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 boundaries. It shall be the applicant/developer's responsibility to determine all agencies with rights of approval for the proposed development.
- L. 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, equipment needed, and the hiring of local residents to stimulate the San Marcos economy to the greatest extent possible.
- M. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct

or indirect operations of the applicant/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 the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 9<sup>th</sup> day of October, 2019 by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Kevin Norris, Chairman

ATTEST:

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Gina Henderson, Senior Office Specialist

**ATTACHMENT(S):**

EXHIBIT A – Conditions of Approval

**EXHIBIT A**  
**RESOLUTION PC 19-4796**  
**TE19-0001 (TSM14-006)**  
**Conditions of Approval**

**A. 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, 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 ensure that prospective purchasers sign a disclosure for the following: 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 or will be required.

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

1. The applicant/developer shall apply for a public improvement permit compliant with SMMC 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded by the conditions contained herein. The improvement plans shall include water and sewer improvements and be approved by the appropriate utility service district. All appropriate fees shall be paid for the processing of the permit.
2. 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.
3. The applicant/developer shall dedicate, to the City of San Marcos, easements and/or rights-of-way for all public streets, utilities, trails, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
4. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall

be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.

5. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
  - a. CFD 98-01 - Improvement Area No. 1, Police
  - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
  - c. CFD 2001-01 – Fire and Paramedic

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

6. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the applicant/developer decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Division Manager. Other conditions may be imposed by the City Engineer and Planning Division Manager to allow out-of-phase construction.
7. 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 10,000 square feet.
8. Side yards shall have a minimum of three (3) feet of level open space between the building footprint and any slope or retaining wall in conjunction with the required building setback of ten (10) feet for a side yard in the Single-Family Residential (R-1-10) Zone.
9. 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.
10. Private Street “A” shall be offered for dedication by the applicant/developer to the

City of San Marcos. The dedication for Private Street "A" shall be based on a right-of-way width of 60 feet.

11. 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 or other interest in real property have been obtained prior to permit issuance.
12. Direct access rights to all residential parcels abutting Montiel Road shall be relinquished to the City on the Final Map.
13. Private easement reservations for storm water management facilities, drainage and maintenance shall be shown on the Final Map.
14. 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.
15. 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.
16. The proposed private Street "A" is to be maintained through a "Private Road Maintenance Agreement". The individual property owners served by Private Street "A" shall enter into a recorded joint maintenance agreement to ensure adequate maintenance of all improvements within the boundaries of the private street and those improvements appurtenant to the street including storm water facilities.
17. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe the Home Owners Association (HOA) maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities. For Lot 5, a land use deed restriction (including a locational exhibit) shall be submitted to the City for review and approval. The deed restriction shall prohibit any grading activity behind the retaining wall at the northwest corner of said lot. The deed restriction shall be recorded with the County of San Diego.
18. A light emitting diode street lighting system shall be shown on the street improvement plans and is to 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.
19. The street light(s) shall be shielded to direct light downward and reduce glare.

20. Maintenance of private open space areas and slopes shall be the responsibility of an Individual Homeowners Association/Master Homeowners Association.
21. All utilities fronting, abutting or within the project shall be undergrounded as shown on the tentative map with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.
22. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, 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.
23. The subject property (APNs: 228-120-09-00 and 228-120-34-00) and the adjacent property to the north (APN: 228-120-33-00) shall be annexed by the Vallecitos Water District (VWD) into their Sewer Improvement District prior to Final Map approval.
24. 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.

C. Prior to issuance of a grading permit, the following conditions shall 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. All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.
3. 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.

4. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
5. A hydrology and hydraulic report, including calculations, shall be prepared for the proposed project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildup runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner(s).
6. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the requirements of California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order Numbers R9-2015-0001 (Orange County enrollment) and R9-2015-0100 (Riverside enrollment).
7. The 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 management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
8. 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.
9. Offsite drainage easements shall be dedicated and recorded to the applicant/developer.
10. Letter(s) of permission shall be obtained for offsite grading from the adjacent property owners.
11. Fire hydrants with an adequate water supply shall be installed at locations approved by the San Marcos Fire Department. The hydrant for this project shall be placed between Lots 8 and 9 on the private road or as determined by the Fire Marshal.

Hydrant type shall be Jones with one 4" & one 2 1/2" outlet. Fire flow requirement shall be minimum 1,500 gpm for two hours with a 20 psi residual pressure. Fire hydrants shall be in place, inspected by the Fire Department, and serviceable prior to delivery of combustible construction materials to the site.

12. Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15 to August 31. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.
13. All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
14. The applicant/developer shall submit conceptual architectural elevations with a minimum of three (3) distinct architectural styles for each floor plan to the Planning Division for architectural review and approval prior to issuance of grading permit. Typical features associated with the architectural style shall be represented on all sides of the building. In addition, each architectural style shall have additional enhancements on the front building elevation. The proposed residences shall be architectural compatible with each other and the surrounding neighborhood. The submittal shall include a color/materials board for the proposed residences.
15. Prior to issuance of grading permit, the applicant/developer shall comply with the following conditions regarding cultural resources:
  - a. An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
  - b. Prior to beginning project construction, the 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.

- c. At least thirty (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 agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
- d. Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.
- e. The pre-construction meeting with the developer, contractor, and City staff shall include the project archaeologist and tribal monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the project archaeologist regarding proposed archaeological techniques and strategies for the project.
- f. In the event the project requires the import of fill onto the site, said material shall be clean of cultural resources and documented as such.
- g. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be

guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.

- h. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
- i. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
- j. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under the required agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the project archaeologist and the tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning 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.

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

- a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect. Landscape plans shall incorporate all modifications as conditioned.
- b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
- c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
- d. At least one (1) street tree shall be installed in the front yard (outside of the right-of-way) of each lot.
- e. Plant material for all subdivision landscaping shall be fire and drought tolerant and acceptable for defensible space in fire prone areas as approved by the Fire Marshal. Landscape plans shall be reviewed and approved by the Fire Marshal.
- f. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, Section 20.330 of the San Marcos Municipal Code.
- g. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Water Quality Improvement Plans.
- h. 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.

- i. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, for the 9-lot tentative subdivision map which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing. Vinyl and glass fencing/sound walls shall be constructed of durable and UV resistant materials. Glass sound walls shall be non-reflective and have a masonry block base. Material samples shall be submitted to the Planning Division for review and approval. Final fence/wall design shall be reviewed and approved by the Planning Division Manager.
- j. Per the recommendations of the noise analysis, six (6) foot high sound attenuation walls shall be located along portions of the rear and southern side boundaries of the rear yards of the proposed lots as approved by the Planning Division Manager.

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

1. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
3. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
4. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures includes such items as: Reinforced door jambs; One piece door stops; 16-gauge strike plate for deadbolts; Locking hardware for garage doors; Two locking devices for wide garage doors; 1-3/4 inch solid exterior doors; Laminated safety glass; Wide angle peep hole for exterior doors; No louvered windows; and Address numbers easily visible from the street.
5. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.

6. New dwellings shall be designed using State Fire Marshal standards for fire resistive construction features per 2016 CBC, Chapter 7A. Ember resistant style vents shall be installed.
7. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.
8. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.
9. Roof drain systems shall be designed for 3-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge and shall discharge to landscaped areas when feasible. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations. Roof drainage shall comply with the City's storm water management measures.
10. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate what features are standard, limited, optional, or not available, and the point of construction by which they must be requested.
11. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
12. The building permit applicant for the proposed development, redevelopment, or discretionary use shall pay Public Facilities Fees (PFF) as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use.
13. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
14. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.

15. The project is approved as a single project with no phases. If phasing is desired, a phasing plan shall be submitted to the Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in Phase 1. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
16. 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.
17. The future residences shall comply with the California Building Code regarding interior noise levels for single-family residential dwelling units.
18. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
19. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.
20. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
21. Precise grading plans shall be incorporated into the building permit plan package(s).
22. 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.
23. The Final Map shall be recorded prior to issuance of any building permit.
24. Building plans shall acknowledge the location of storm water treatment and holding facilities. The building location(s) and associated loads may not influence the storm water facilities or interfere with access required to repair and/or maintain said

facilities.

25. A certificate of line and grade, signed and stamped by the engineer of work, shall be provided to the engineering inspector. The certificate shall be in a form acceptable to the City Engineer.
26. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, shall be paid in full.
27. All exterior lighting shall comply with City standards for higher energy-efficient fixtures, except for low-wattage architectural lighting. All fixtures shall be approved by the City.
28. Building address shall be clearly identified on plans for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).

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

1. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
2. 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.
3. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.
4. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
5. Water wells shall be reconstructed or abated in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by San Diego County Environment Health Department.
5. The project shall comply with Regional Air Quality Standards.

6. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
7. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
8. During grading and construction operations, the applicant shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
9. At least one copy of the approved plans, approval letters and conditions of approval shall be available for review at the job site at all times.

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

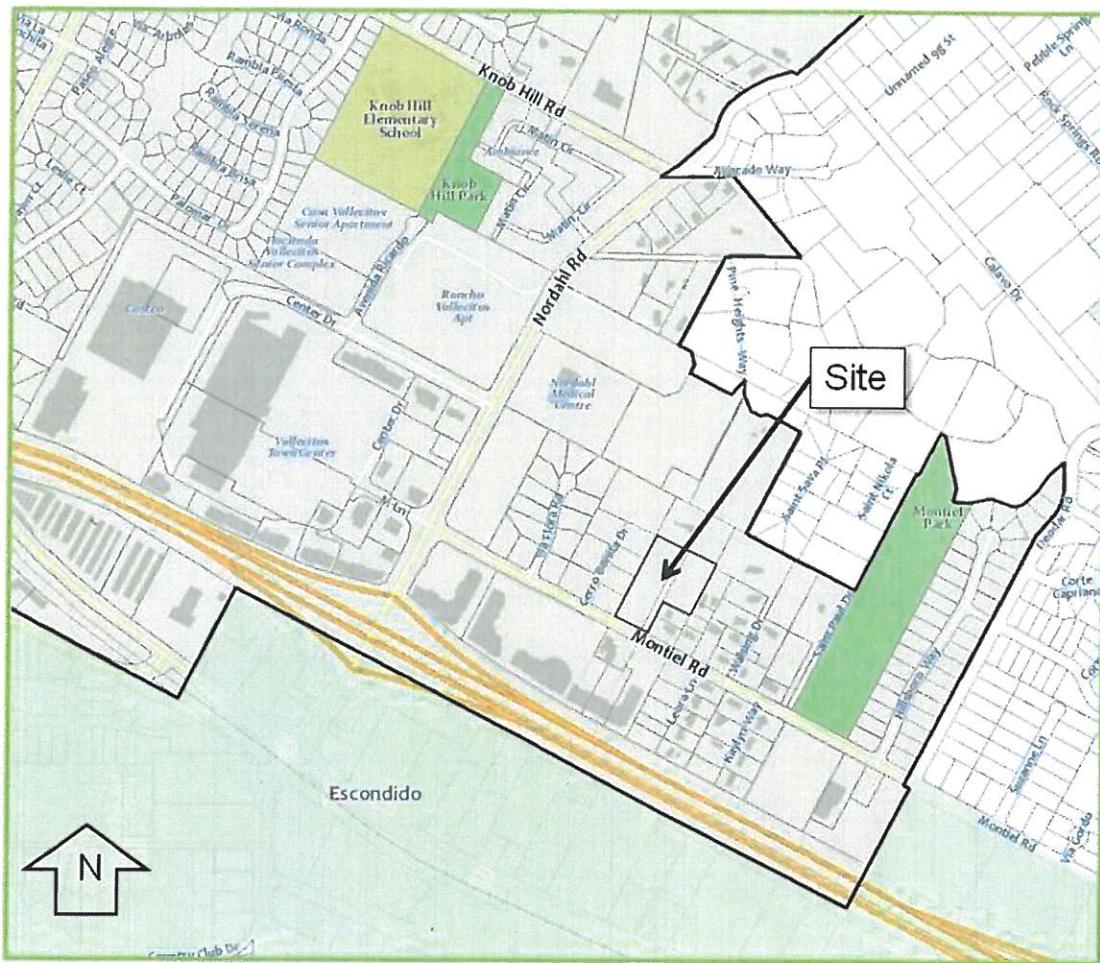
1. All landscaping for the slopes, bio-retention basin and street trees shall be installed according to the approved landscape plans, and inspected by the Planning Division for approval. Landscaping shall be established and flourishing in a healthy manner. The applicant/developer shall be responsible to contact the Planning Division for inspection. Said landscape areas, where applicable, shall not be transferred over to the responsibility of the Home Owners Association (HOA) until inspected and approved by the City.
2. The applicant/developer shall submit a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.
3. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
4. Building address shall be clearly labeled for day and night-time emergency responses.
5. All applicable easements and agreements shall be recorded prior to occupancy.

6. 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.
7. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

G. The applicant/developer shall disclose to future residential owners 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).

## ATTACHMENT A

### Vicinity Map



### VICINITY MAP

**P14-0049: Montiel Rd Partners**

**Location: 2110 Montiel Road**

**APNs: 228-120-09 & 228-120-34**

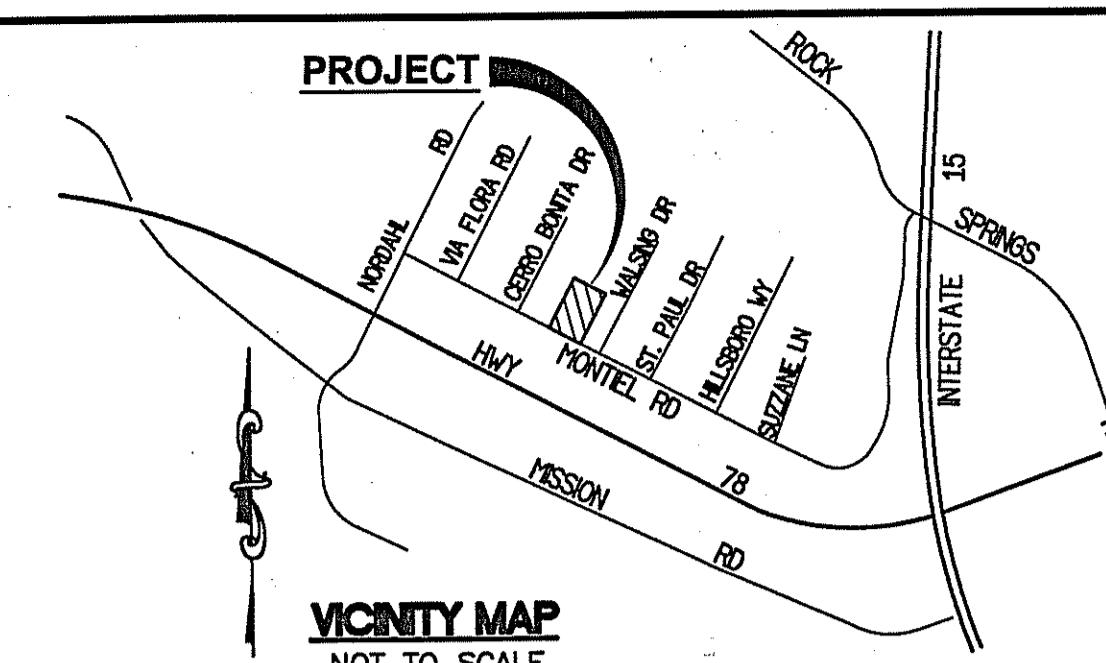


## **ATTACHMENT B**

### **APPROVED TENTATIVE SUBDIVISION MAP (TSM14-006)**

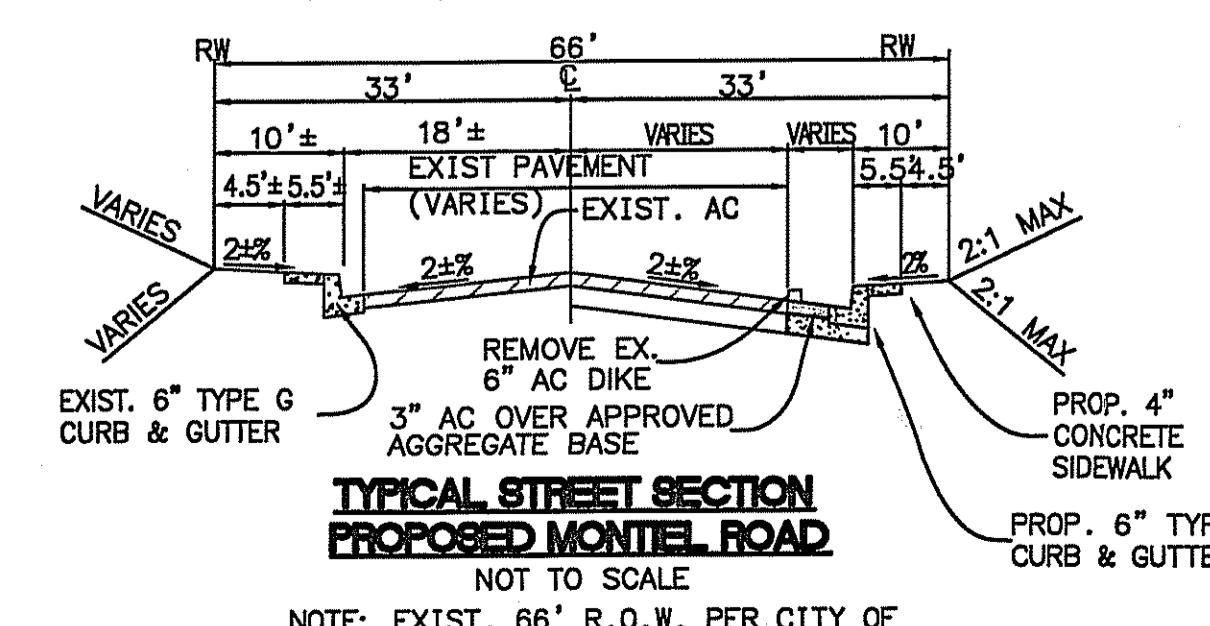
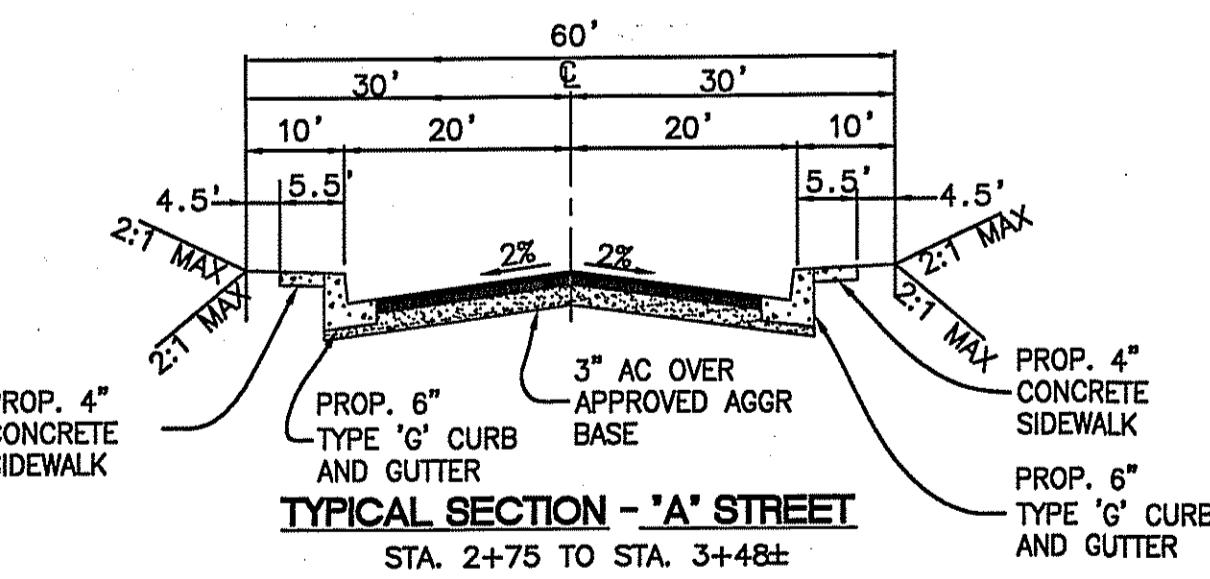
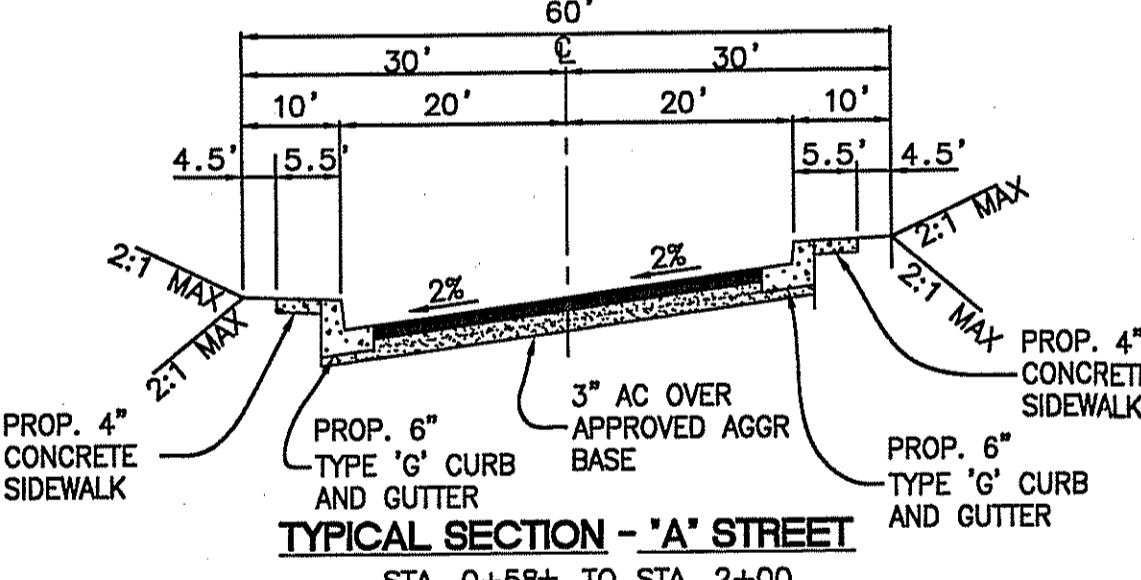


## CITY OF SAN MARCOS TENTATIVE MAP NO. 14-006



## LEGEND

INDICATES LOT NUMBER  
INDICATES SUBDIVISION BOUNDARY  
GRADED SLOPES: 2:1 MAX CUT/FILL  
INDICATES 6" TYPE "G" CURB & GUTTER  
INDICATES 6" AC TYPE "A" DIKE  
INDICATES EXIST. MAJOR CONTOUR ELEVATION  
INDICATES PROPOSED PAD ELEVATION  
INDICATES PROPOSED FINISH GRADE ELEVATION  
INDICATES DIRECTION OF DRAINAGE OR SWALE  
INDICATES EXISTING SEWER  
INDICATES PROPOSED SEWER  
INDICATES WATER LINE EXISTING  
INDICATES WATER LINE PROPOSED  
INDICATES PROPOSED SEWER LATERAL  
INDICATES PROPOSED WATER LATERAL  
INDICATES PROPOSED STORM DRAIN  
INDICATES PROPOSED AREA DRAIN  
INDICATES PROPOSED RETAINING WALL, SPLIT FACE BLOCK OR EQUAL  
INDICATES PROPOSED SIDEWALK  
INDICATES PROPOSED DRIVEWAY LOCATION (APPROXIMATE)  
INDICATES EXISTING POWER POLE  
INDICATES PROP. HOUSE (ACTUAL FOOTPRINTS WILL VARY-SHOWN FOR REFERENCE ONLY)



NOTE: EXISTING STRIPPING IMPROVEMENTS PER CITY OF SAN MARCOS DWG. NO. 1459

WATER TREATMENT AREA (1,860 SQ FT BIO-FILTER), TREATING ALL LOTS AND WATER FROM "A" DRIVE.

1 OVERHEAD POWER LINES TO BE UNDERGROUND FROM POWER POLE NO. 'A' TO POWER POLE NO. 'C'

APN:228-120-14

APN:228-120-33

APN:228-130-09

APN:228-120-30

APN:228-120-13

APN:228-120-12

APN:228-120-10

APN:228-120-25

APN:228-120-28

APN:228-130-29

APN:228-130-26

APN:228-130-28

APN:228-130-25

APN:228-130-26

APN:228-130-27

APN:228-130-28

APN:228-130-29

APN:228-130-30

APN:228-130-31

APN:228-130-32

APN:228-130-33

APN:228-130-34

APN:228-130-35

APN:228-130-36

APN:228-130-37

APN:228-130-38

APN:228-130-39

APN:228-130-40

APN:228-130-41

APN:228-130-42

APN:228-130-43

APN:228-130-44

APN:228-130-45

APN:228-130-46

APN:228-130-47

APN:228-130-48

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APN:228-130-166

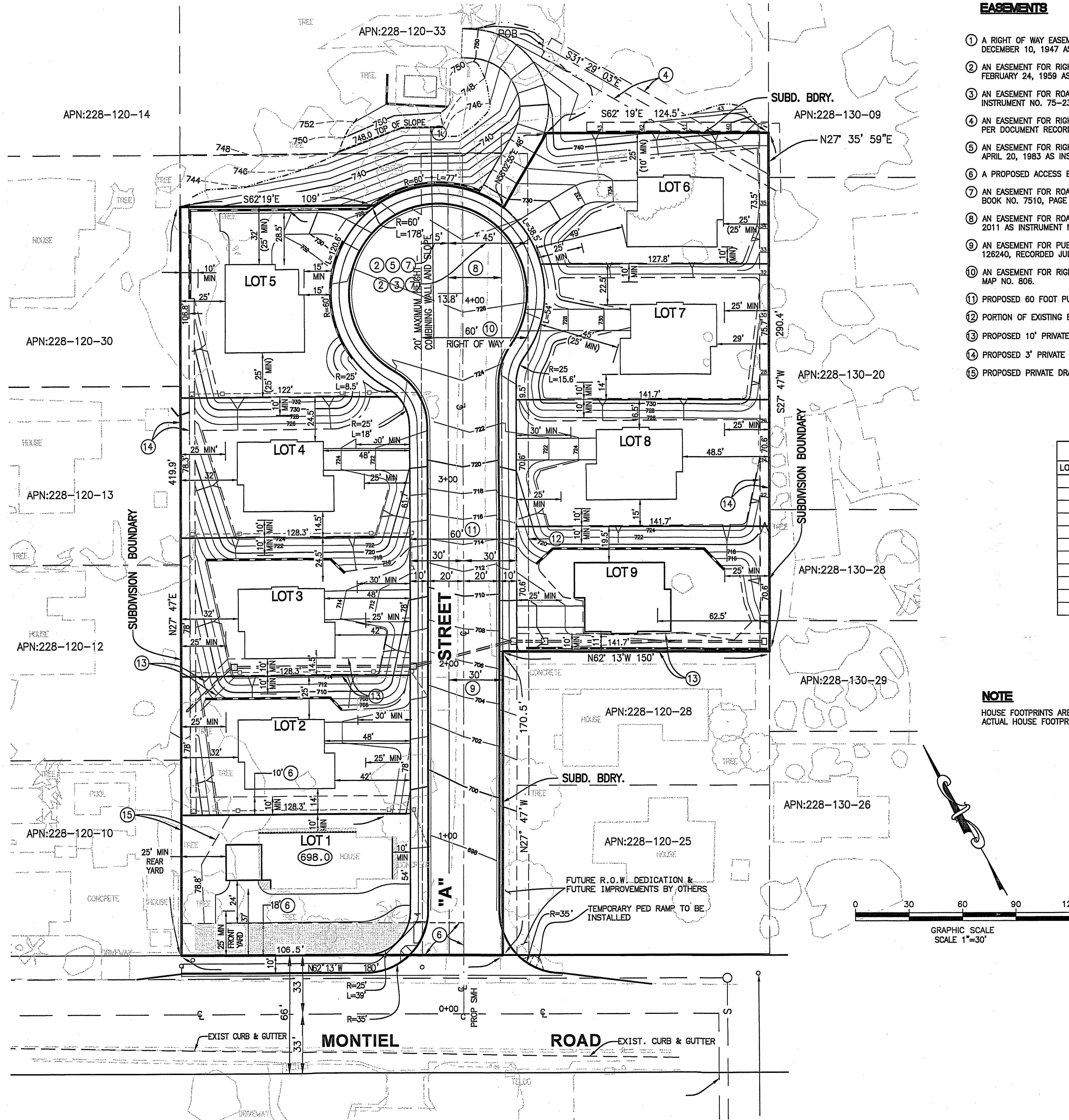
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APN:228-130-168

APN:228-130-169



## &lt;divCITY OF SAN MARCOS TENTATIVE MAP NO. 14-006



- ① A RIGHT OF WAY EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY PER DOCUMENT RECORDED DECEMBER 10, 1947 AS FILE NO. 128436. THE DESCRIPTION IS SUCH THAT IT CANNOT BE PLOTTED.
- ② AN EASEMENT FOR RIGHT OF WAY FOR ROAD AND PUBLIC UTILITIES PER DOCUMENT RECORDED FEBRUARY 24, 1959 AS FILE NO. 35442
- ③ AN EASEMENT FOR ROAD AND UTILITIES PER DOCUMENT RECORDED SEPTEMBER 4, 1975 AS INSTRUMENT NO. 75-238103
- ④ AN EASEMENT FOR RIGHT OF WAY AND PUBLIC UTILITIES TO SAN DIEGO GAS & ELECTRIC COMPANY PER DOCUMENT RECORDED MAY 27, 1982 AS INSTRUMENT NO. 82-161783
- ⑤ AN EASEMENT FOR RIGHT OF WAY FOR ROADWAY AND PUBLIC UTILITIES PER DOCUMENT RECORDED APRIL 20, 1983 AS INSTRUMENT NO. 83-125835
- ⑥ A PROPOSED ACCESS EASEMENT FOR WATER QUALITY TREATMENT PURPOSES.
- ⑦ AN EASEMENT FOR ROADWAY AND PUBLIC UTILITIES PER DOCUMENT RECORDED FEBRUARY 24, 1959 AS BOOK NO. 7510, PAGE 445, O.R.
- ⑧ AN EASEMENT FOR ROAD RIGHT OF WAY AND PUBLIC UTILITIES PER DOCUMENT RECORDED APRIL 25, 2011 AS INSTRUMENT NO. 2011-0175844, O.R.
- ⑨ AN EASEMENT FOR PUBLIC UTILITIES TO SAN DIEGO GAS & ELECTRIC COMPANY PER DOCUMENT NO. 126240, RECORDED JULY 24, 1961, O.R.
- ⑩ AN EASEMENT FOR RIGHT OF WAY FOR ROAD AND PUBLIC UTILITIES FILED DECEMBER 21, 1895 AS MAP NO. 806.
- ⑪ PROPOSED 60 FOOT PUBLIC RIGHT OF WAY FOR ROAD AND PUBLIC UTILITIES, RESERVED HEREON.
- ⑫ PORTION OF EXISTING EASEMENT TO BE VACATED HEREON.
- ⑬ PROPOSED 10' PRIVATE DRAINAGE EASEMENT.
- ⑭ PROPOSED 3' PRIVATE DRAINAGE EASEMENT
- ⑮ PROPOSED PRIVATE DRAINAGE EASEMENT

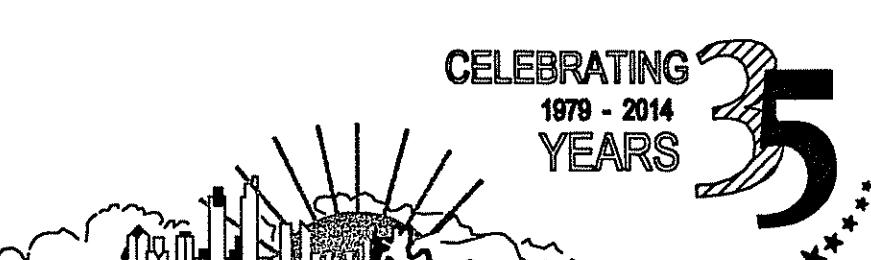
NO.	FRONT YARD	SIDE YARD	REAR YARD
1	25' MIN	10' MIN	25' MIN
2	25' MIN	10' MIN	25' MIN
3	25' MIN	10' MIN	25' MIN
4	25' MIN	10' MIN	25' MIN
5	25' MIN	10' MIN	25' MIN
6	25' MIN	10' MIN	25' MIN
7	25' MIN	10' MIN	25' MIN
8	25' MIN	10' MIN	25' MIN
9	25' MIN	10' MIN	25' MIN
10	25' MIN	10' MIN	25' MIN

**NOTE**

HOUSE FOOTPRINTS ARE SHOWN FOR REFERENCE ONLY -  
ACTUAL HOUSE FOOTPRINTS WILL VARY

## EASEMENT PLAT & BUILDING SETBACKS

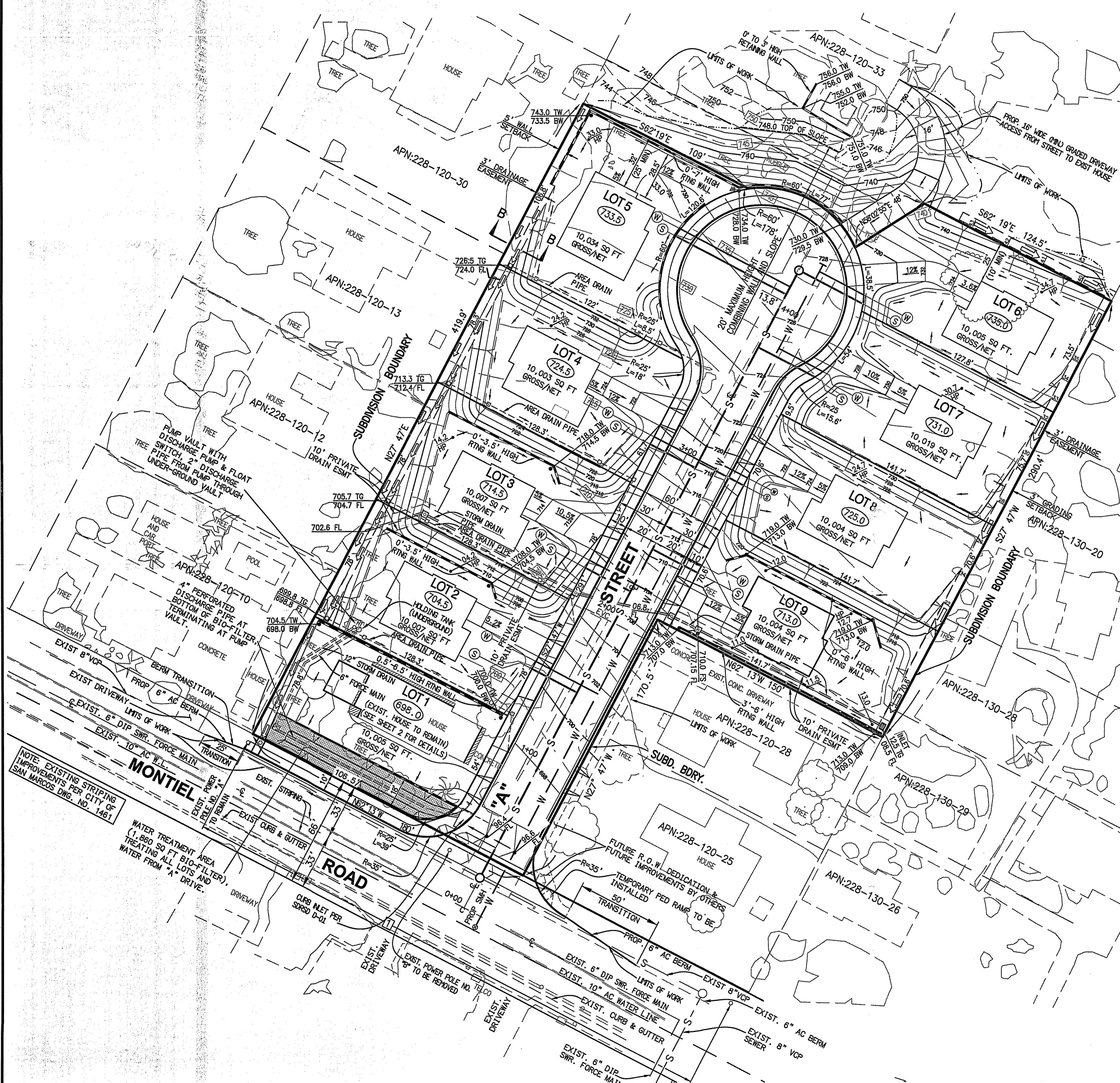
SHEET 3 OF 5 SHEETS



**KAPPA SURVEYING & ENGINEERING, INC.**  
8707 LA MESA BOULEVARD, LA MESA, CA 91942 (619) 465-8948 FAX: (619) 465-6410

FINAL DRAWING PREPARATION DATE: 2-10-18  
ISSUE DATE: 6-6-16

# CITY OF SAN MARCOS TENTATIVE MAP NO. 14-00



## PRELIMINARY GRADING PLAN

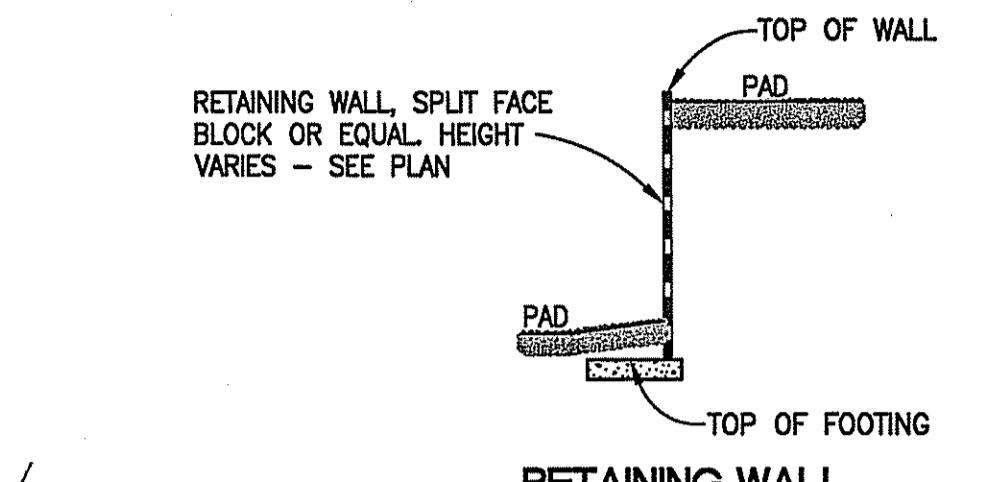
**LEGEND**

- INDICATES LOT NUMBER
- INDICATES PAD ELEVATION
- INDICATES SUBDIVISION BOUNDARY
- GRADED SLOPES: 2:1 MAX CUT/FILL
- INDICATES 6" TYPE "G" CURB & GUTTER
- INDICATES 6" AC TYPE "A" BERM
- INDICATES EXISTING SEWER
- INDICATES PROPOSED SEWER
- INDICATES EXISTING WATER LINE
- INDICATES PROPOSED WATER LINE
- INDICATES PROPOSED SEWER LATERAL
- INDICATES PROPOSED WATER LATERAL
- INDICATES MAJOR CONTOUR ELEVATION
- INDICATES PROPOSED FINISH GRADE ELEVATION
- INDICATES DIRECTION OF DRAINAGE OR SWALE
- INDICATES CONCRETE BROW DITCH  
PER SDRSD NO. D-75
- INDICATES 2' CONC SLOPE DRAIN  
PER SDRSD NO. D-75 (MODIFIED)
- INDICATES STORM DRAIN PROPOSED
- INDICATES PROPOSED SPLIT FACE BLOCK  
(OR EQUAL) RETAINING WALL
- INDICATES PROPOSED DRIVEWAY
- INDICATES PROPOSED HOUSE (ACTUAL FOOTPRINTS  
WILL VARY--SHOWN FOR REFERENCE ONLY)

## SLOPE DENSITY

**9.97 %**

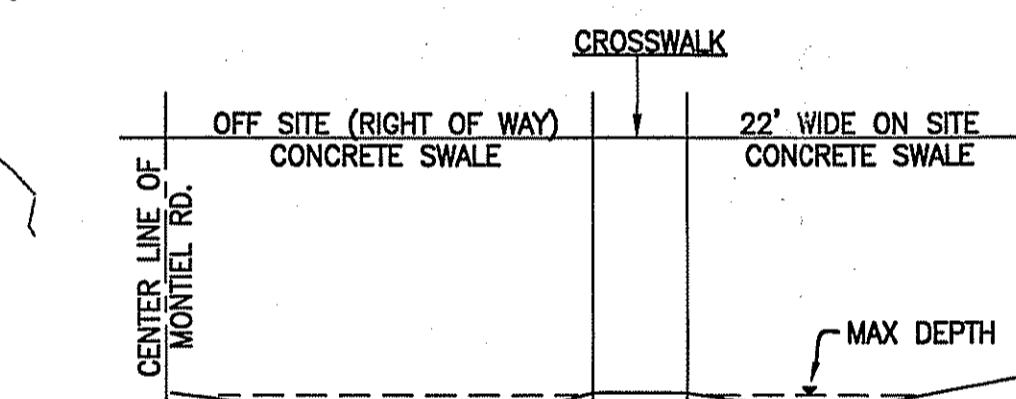
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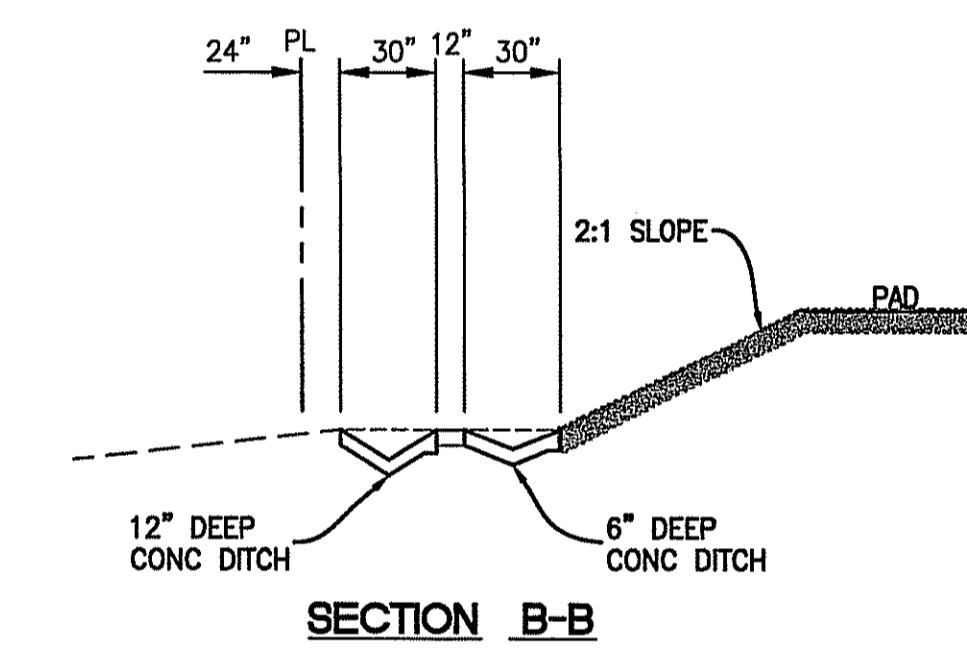
## RETAINING WALL

### PRELIMINARY TYPICAL SECTION

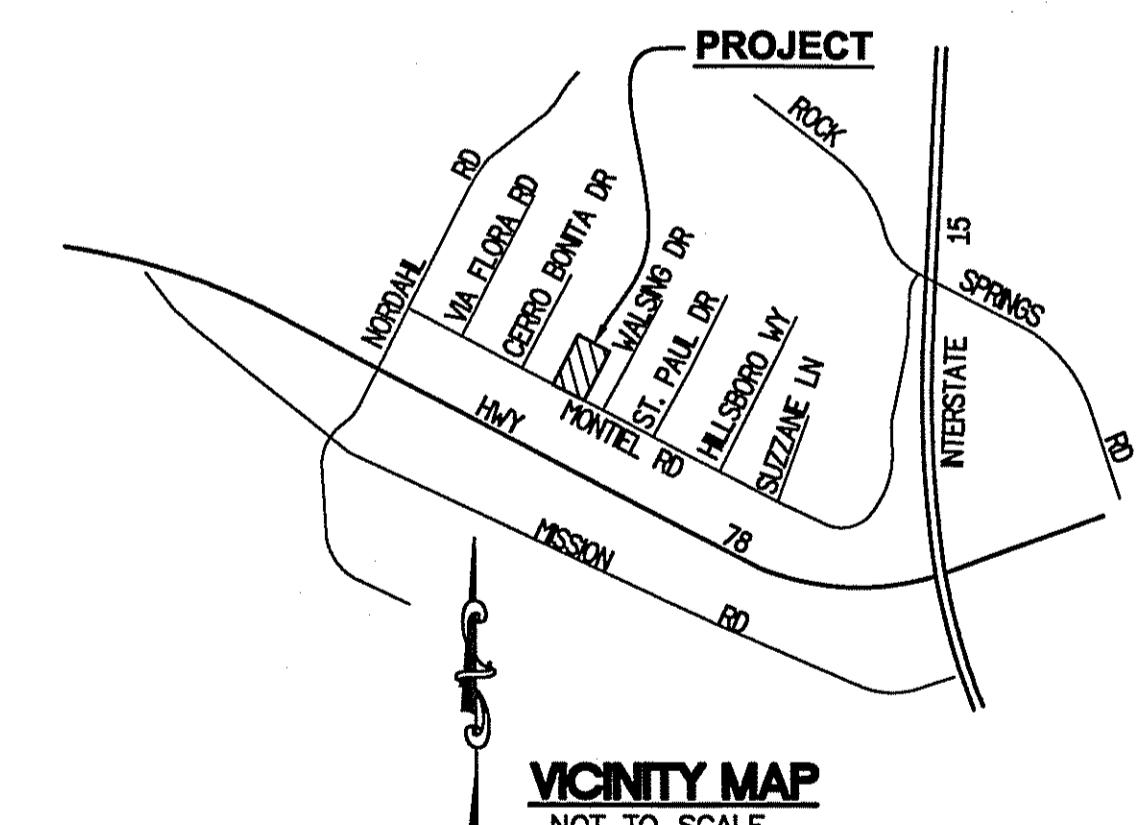
NOT TO SCALE



MONTIEL RD INTERSECTION  
CONCRETE SWALE SECTION



**SECTION B-1**  
NOT TO SCALE



**VICINITY MAP**  
NOT TO SCALE

## PRELIMINARY GRADING AND PLOT PLAN

## OFFSITE IMPROVEMENTS NOTE

THERE MAY BE EXTENSIVE OFFSITE SEWER IMPROVEMENTS REQUIRED FOR FINAL APPROVAL OF THIS SUBDIVISION AS PER VALLECITOS WATER DISTRICT MINOR WATER AND SEWER STUDY DATED SEPTEMBER 16, 2016 VWD WO# 172975. 2 MAJOR IMPROVEMENTS ARE AS FOLLOWS:

THE DISTRICT IS CURRENTLY EXPLORING ALTERNATIVE OPTIONS FOR SEWER OUTFALL WHICH COULD RESULT IN THE DISTRICT ACCEPTING AN IN-LIEU FEE AS AN ALTERNATIVE TO BE CONDITIONED TO INSTALLING THE EXTENSIVE IMPROVEMENTS.

SCALE: 1"=30'

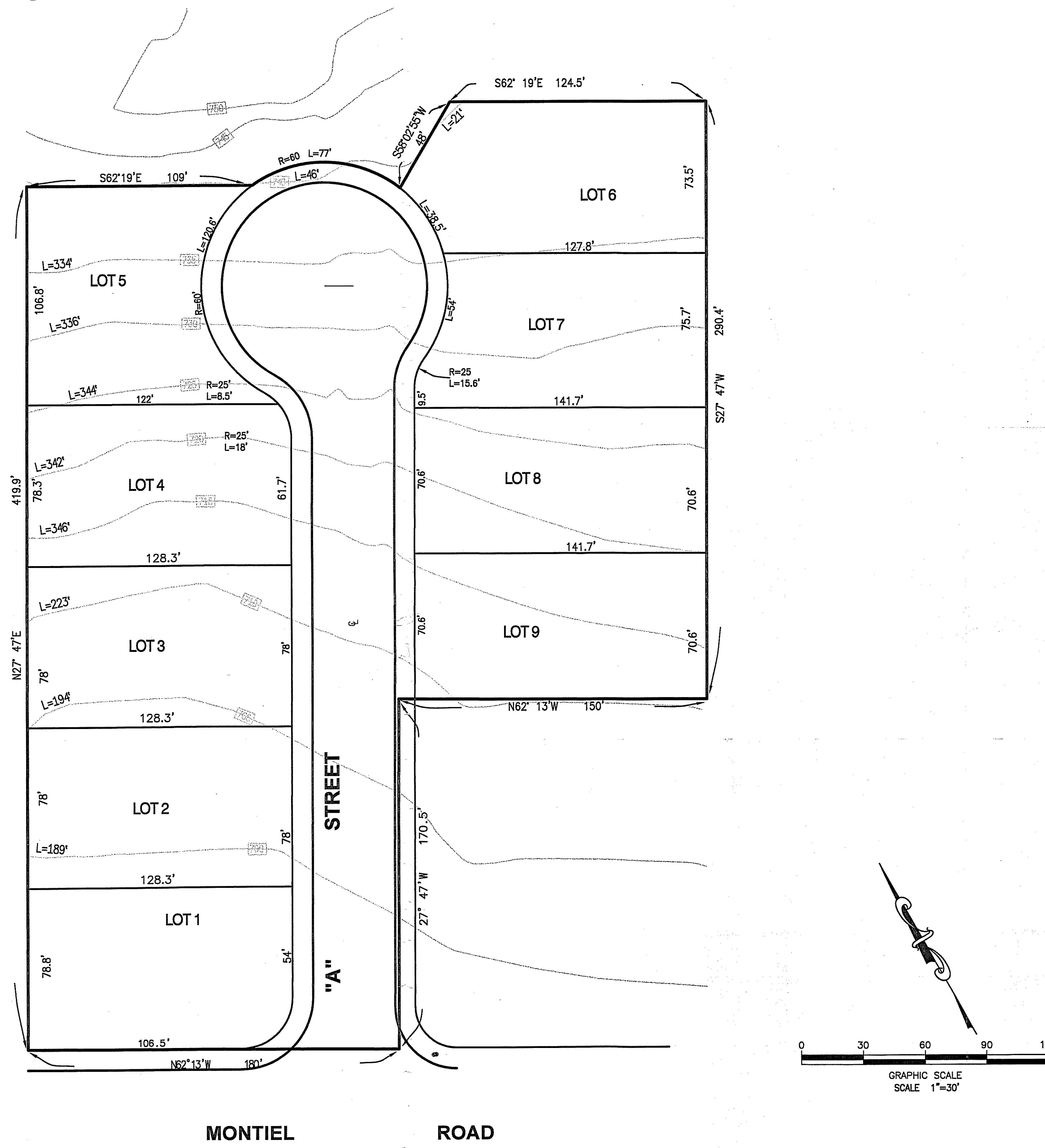


# KAPPA SURVEYING & ENGINEERING, INC.

ORIGINAL DRAWING PREPARATION DATE - 8-12-12

REVISION DATE: 6-6-16

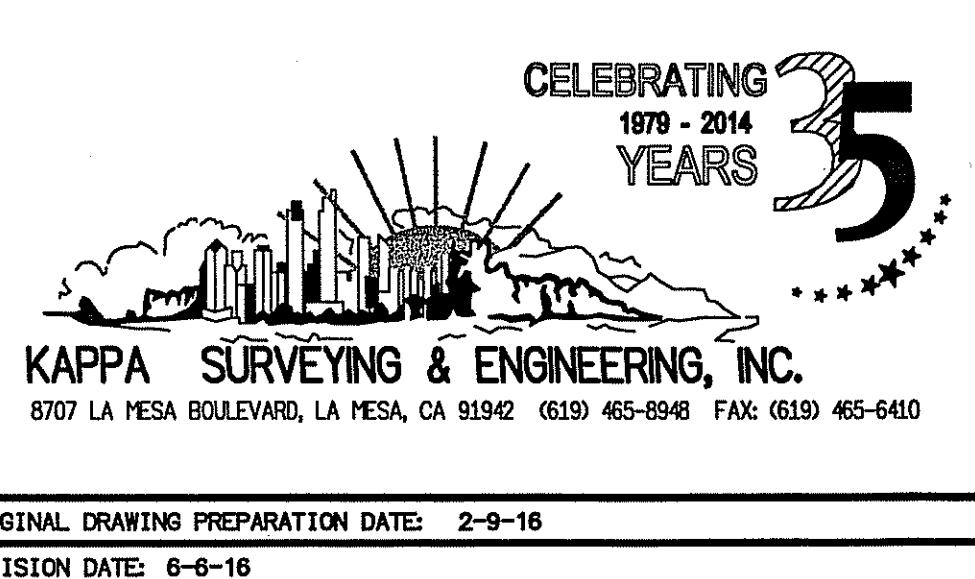
# CITY OF SAN MARCOS TENTATIVE MAP NO. 14-006



**TOTAL AREA = 2.7353± ACRES**

## EXHIBIT: SLOPE ANALYSIS

SHEET 5 OF 5 SHEETS





## **ATTACHMENT C**

**PC STAFF REPORT 08/21/17**

**RESOLUTION PC17-4633 (TSM14-006)**

## STAFF REPORT

### PLANNING COMMISSION MEETING

MEETING DATE: August 21, 2017

SUBJECT: P14-0049/TSM 14-006/ND 17-001. Montiel Rd Partners LP. Proposed 9-lot Tentative Subdivision Map. APNs: 228-120-09-00 and 228-120-34-00.

#### Recommendation

Conditionally approve a Tentative Subdivision Map (TSM) for up to nine (9) single-family lots on a 2.7-acre property in the Single-Family Residential (R-1-10) Zone, and adoption of a Mitigated Negative Declaration (ND).

#### Introduction

The existing site is a 2.7-acre property located at 2110 Montiel Road which is east of Nordahl Road. The terrain of the property gradually slopes up from Montiel Road to the northern property line. The property is currently developed with a 1-story, single-family residence which will remain on site as Lot 1 of the proposed subdivision map. The garage of the existing residence will be reconstructed on the opposite side of the residence in order to provide adequate area for the subdivision's access street. The properties to the north, west, and east are developed with single-family residences and the property to south, across Montiel Road, is developed with a commercial center. Public comments from an adjacent neighbor are included in Attachment E.

#### Discussion

The subject site is zoned Single-Family Residential (R-1-10), and designated Very Low Density Residential (2.1 to 4.0 dwelling units per acre) per the General Plan. The yield for the proposed project is 3.3 dwelling units per acre which complies with the General Plan density. The site has an average slope of 9.97 percent; therefore, Section 20.300.040 of the Zoning Ordinance (SMMC Title 20) requires a minimum lot size of 10,000 square feet (net) for each lot. The project proposes lot sizes ranging from 10,003 square feet (net) to 10,034 square feet (net).

Architectural elevations are not currently proposed for the project because the future homes are not proposed to be constructed by the applicant. Therefore, the project is conditioned for the future builder to submit architectural elevations to the Planning Division for architectural review and approval

prior to issuance of grading permit. The resolution is conditioned for a minimum of three (3) distinct architectural styles for each floor plan. Spanish Colonial, Craftsman, Italianate, and Tuscan are typical architectural styles for single-family homes. In addition, each architectural style shall have additional enhancements on the front building elevation.

Future construction of the single-family residences will be required to comply with the development standards of the Zoning Ordinance (SMMC Title 20) for the Single-Family Residential (R-1-10) Zone including building setbacks, height limit, parking, etc. The proposed Tentative Subdivision Map includes a building setback exhibit showing the buildable pad area for each lot. Per Section 20.340.040 of the Zoning Ordinance (SMMC Title 20), each future residence will require a minimum 2-car garage for a residence up to 3,000 square feet in size, and a 3-car garage for a residence above 3,000 square feet. In addition, the project is conditioned to pay affordable housing in-lieu fees prior to issuance of building permits.

All manufactured slopes of the subdivision are required to be landscaped with a mixture of trees, shrubs, and ground cover to beautify the neighborhood, and the proposed retaining walls will be constructed of split-face, keystone, or similar textured block, and earth-tone colored to provide a more natural appearance. Landscaping will be required to comply with the City's Water Efficient Landscape Standards (SMMC Chapter 20.330). Landscaping of the off-site manufactured slope at the end of the cul-de-sac will be maintained by a Home Owners Association (HOA). A final fencing plan, in conjunction with landscape plans, will be required to be submitted for review and approval with a consistent type and style of fencing for the development.

A biology survey was prepared for the subject site to assess potential biological impacts by the proposed 9-lot subdivision. The site supports approximately 1.7 acres disturbed land and approximately 1.2 acres of urban/developed land. The disturbed land consists of a mosaic of bare ground and Filaree (*Erodium spp.*) as a ground cover with sparse shrubs. The urban/developed land includes the existing residence, pavement, and landscape species. The aforementioned vegetation categories are not considered sensitive habitat. In accordance with the Migratory Bird Treaty Act, there is the potential for nesting birds to occur within the existing vegetation of the vacant portion of the property. Therefore, a nesting survey will be required prior to any disturbance of the site if proposed during the nesting season.

A cultural resources study was prepared which analyzed potential prehistoric and historic resources on the subject property. The report indicates there are several archaeological sites within a one-mile vicinity, but no sites have been previously recorded on the property. A field survey was conducted by the consultant that identified no evidence for prehistoric resources on site. In addition, the report investigated the potential for any historic resources on the property, and indicates the subject 2.7-acre

property was originally part of a 41-acre parcel owned by J.C. Montiel who was an early 1900's land owner and speculator. There is no evidence that J.C. Montiel constructed a residence or made improvements to that portion of his land now encompassed by the subject property which is currently developed with a 1-story, single-family residence constructed in 1959. Under CEQA, structures more than 50 years old are eligible for the California Register of Historical Resources (CRHR). The existing residence is a common vernacular stucco structure typical of the late 1950's and 1960's. The building is 1,130 square feet with 3-bedrooms and 2-bathrooms and includes an attached 2-car garage. The lack of character-defining features and lack of unique materials or association with a master artisan/architect are all factors that do not support architectural significance under CEQA. Although the subject property was originally part of a larger parcel that can be associated with an early 1900's land owner, the existing residence is not associated with historically significant persons nor notable events in the history of San Marcos or the region. Based on available information, the existing residence is not eligible for inclusion on the CRHR and is not considered significant historical resources under CEQA. Even though no significant prehistoric or historic cultural resources were found during the field survey of the property, there is the potential for subsurface resources to exist. Therefore, all ground-disturbing work for the project will be required to be monitored by an archaeologist and Native American observer. Prior to beginning project grading or any disturbance of the site, the applicant will be required to enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a Luiseno Tribe for on-site monitoring. As part of the CEQA review process, local tribal agencies were notified of the proposed project in accordance with State Assembly Bill (AB 52).

According to the noise study prepared for the project, traffic noise generated from Montiel Road and State Route 78 may potentially impact exterior noise levels in the rear yards of the proposed subdivision. The report estimates the potential traffic noise levels to range from 61.2 dB CNEL within the rear yard of proposed Lot 6 at the northeast corner of the property to 65.2 dB CNEL at proposed Lot 1 at the southwest corner of the property. Per the General Plan Noise Element, 60 dB CNEL is an acceptable exterior noise level for single-family residences. In order to mitigate for potential exterior noise impacts to a level below significance, minimum six (6) foot high sound attenuation walls will be required to be installed for the rear yards of the proposed single-family lots to reduce potential noise levels to 60 dB or less. Therefore with the incorporation of the sound walls, exterior noise levels within the rear yards of the proposed lots will not exceed the threshold. In addition, the Noise Element specifies interior noise levels must not exceed 45 dBA for single-family residences. The California Building Code requires the future residences to be constructed to comply with this standard.

Project related noise sources, such as vehicles arriving and leaving, children at play, and landscape maintenance machinery, would be consistent with the single-family residential development to the north, west, and east. The noise study estimates potential noise levels for the anticipated HVAC

equipment for the future single-family residences to comply with the noise limits of 50 dB and 60 dB CNEL during nighttime and daytime hours, respectively, at surrounding property lines.

Based upon the trip generation rate established by San Diego Association of Governments (SANDAG), this project will generate an additional 80 Average Daily Trips (8 units x 10 trips per unit = 80 ADT) as a result of building eight (8) new residences on the subject property. It is estimated the existing residence on site currently generates 10 ADT. Due to the size of the development, the increase in ADT is negligible and no greater than anticipated by the General Plan for the area. The subject property is currently bisected by an approximately 20-foot wide paved private road which provides access to an existing single-family residence to the north and two (2) existing residences on the east side of the private road where it connects to Montiel Road. The proposed subdivision will replace the existing private road with "Street A" which will provide access to the 9-lot subdivision and the three (3) adjacent residences. "Street A" will consist of 40-foot wide pavement with sidewalk on both sides, and will end with a cul-de-sac which provides adequate turn-around for emergency vehicles. "Street A" will be privately maintained by a Home Owners Association (HOA).

In order to comply with the City's Storm Water Management Regulations, the project proposes low impact site-design Best Management Practices (BMPs) which includes natural infiltration into landscape areas and a bio-retention basin located along Montiel Road and an underground vault. The basin will be landscaped in accordance with the water quality improvement plans. Construction BMPs will be required as well. A Home Owners Association (HOA) will be required to maintain the bio-retention basin and underground vault storm water system.

Sewer and water services for the proposed project will be provided by the Vallecitos Water District (VWD). Annexation of the property into their Sewer Improvement District will be required by VWD. In addition, the adjacent property to the north will also be required to annex into the sewer district since the proposal will also provide a sewer connection to that property via Street "A" of the subdivision. This annexation does not require LAFCO approval. A water and sewer study was prepared by VWD which determined that adequate water storage, wastewater treatment/disposal, and land outfall capacities exist at this time. The developer will be required to install or pay a fee toward the upgrading of sections of sewer pipeline or portions thereof as determined by VWD as follows: 1) Approximately 1,895 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way beginning at Center Drive to accommodate increased flow; and 2) Approximately 917 feet of existing 8-inch sewer pipeline will be required to be replaced with 12-inch pipe within existing VWD easements along the State Route 78 right-of-way to avoid restrictions in the pipeline. As a potential alternative to the aforementioned improvements, a contribution as determined by VWD may be required to be paid by the applicant for installation, or a

portion thereof, of the proposed Montiel Gravity Outfall which is a pipeline linking the Montiel sewer shed's collection infrastructure to the collection system in Mission Road south of State Route 78 in the City of Escondido.

#### **Environmental Review**

In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (ND 17-001) was prepared by the City for the proposed project, and circulated for public review from July 11, 2017 to August 1, 2017. One comment was received after the close of the MND public review period from the San Luis Rey Band of Mission Indians which concurred with the MND mitigation for cultural resources, and is included in Attachment E.

#### **Public Comment**

Staff received comments from an adjacent neighbor which are included in Attachment E. The neighbor expressed concerns regarding the project density, traffic, grading, drainage, and water usage. Staff responses to the neighbor's comments are included within the emails.

#### **Attachment(s)**

Adopting Resolution: PC 17-4633

- A. Vicinity Map
- B. Requested Entitlement
- C. Site & Project Characteristics
- D. Negative Declaration
- E. Public Comments

Prepared by:



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Norm Pedersen, Associate Planner

Reviewed by:



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Garth Koller, Principal Planner

Reviewed by:



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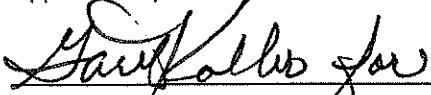
Peter Kuey, Principal Civil Engineer

# SAN MARCOS

DISCOVER LIFE'S POSSIBILITIES

City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

Approved by:



Karen Brindley, Planning Division Manager

Submitted by:



Dahvia Lynch, Development Services Director

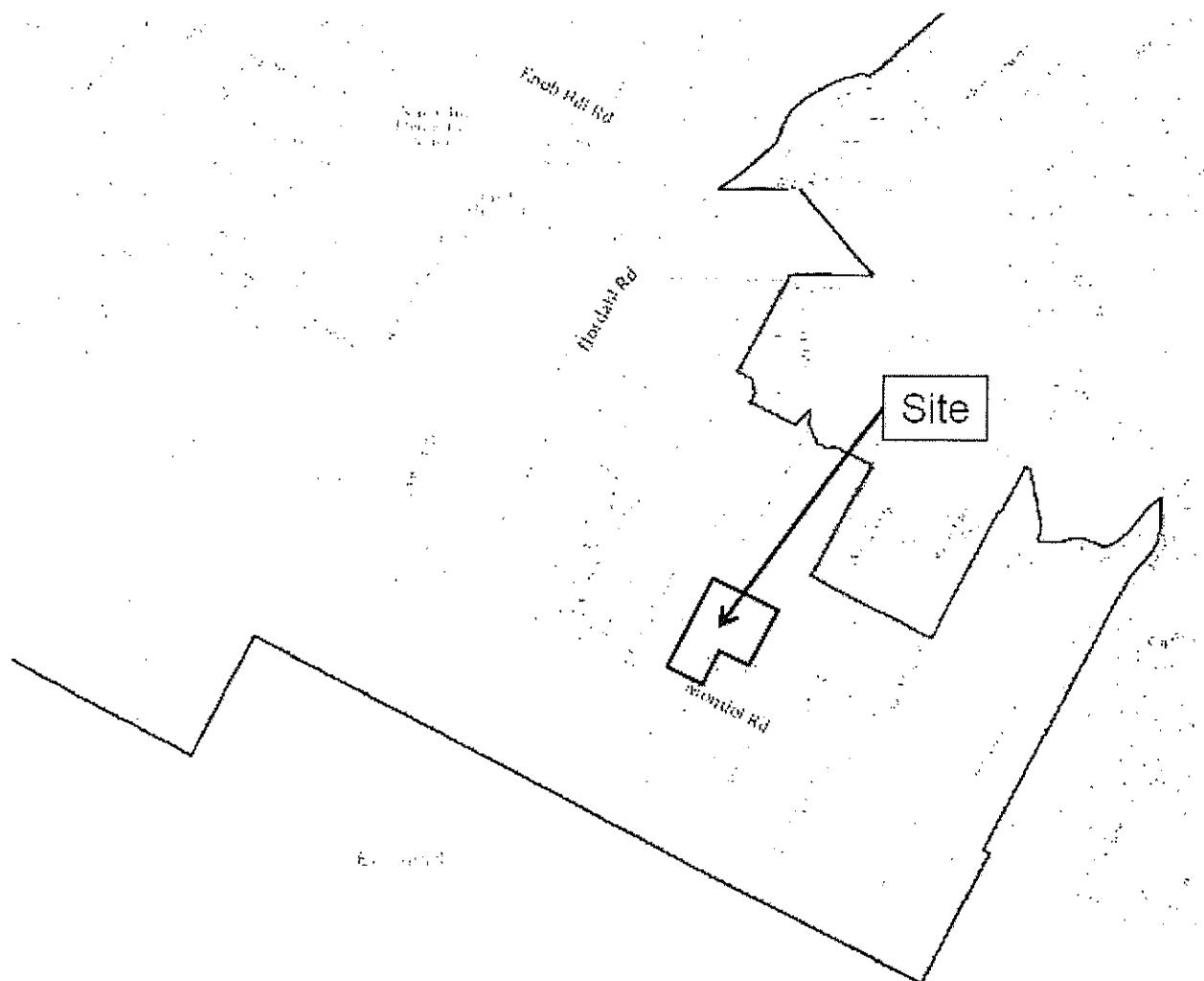
# SAN MARCOS

DISCOVER LIFE'S POSSIBILITIES

City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

## ATTACHMENT A

### Vicinity Map



### VICINITY MAP

P14-0049: Montiel Rd Partners  
Location: 2110 Montiel Road  
APNs: 228-120-09 & 228-120-34



**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT B**  
Requested Entitlements

- A Tentative Subdivision Map (TSM) to allow for the development of up to nine (9) single-family lots within the Single-Family Residential (R-1-10) Zone, and adoption of Mitigated Negative Declaration (ND 17-001).

## ATTACHMENT C

### Site & Project Characteristics

<u>Property Subject</u>	<u>Existing Land use</u>	<u>Zoning</u>	<u>General Plan Designation</u>
	Single-Family Residence	R-1-10	Very Low Density Residential (2.1-4.0 du/ac)
North	Single-Family Residence	R-1-10	Very Low Density Residential (2.1-4.0 du/ac)
South	Commercial Center	SPA	Specific Plan Area
East	Single-Family Residence	R-1-10	Very Low Density Residential (2.1-4.0 du/ac)
West	Single-Family Residence	R-1-10	Very Low Density Residential (2.1-4.0 du/ac)

Flood Hazard Zone                                  yes  no

Resource Conserv. Area                              yes  no

Sewers    yes  no

Septic    yes  no

Water    yes  no

Gen. Plan Conformance                              yes  no

Land Use Compatibility                              yes  no

\* Requires annexation into VWD Sewer Improvement District.



City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

ATTACHMENT D  
Negative Declaration 17-001

City of San Marcos, California

1 Civic Center Drive | San Marcos, CA 92069 | (760) 744-1050 | p. 10

AGENDA ITEM  
PC AGENDA ITEM #2  
#

RESOLUTION PC 17-4633

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION APPROVING A TENTATIVE SUBDIVISION  
MAP FOR UP TO NINE (9) LOTS WITHIN THE SINGLE-  
FAMILY RESIDENTIAL (R-1-10) ZONE

TSM 14-006  
P14-0049  
Montiel Rd Partners LP

WHEREAS, on October 7, 2014 an application was received from Montiel Rd Partners LP requesting approval of a Tentative Subdivision Map (TSM) for up to nine (9) single-family lots on a 2.7-acre site located at 2110 Montiel Road within the Single-Family Residential (R-1-10) Zone, more particularly described as:

Portion of Lot 3 of Block 6, Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Numbers: 228-120-09-00 and 228-120-34-00.

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

WHEREAS, the required public hearing held on August 21, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-001) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

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

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

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

3.3 dwelling units per acre.

2. The site is physically suitable for this type of subdivision and the proposed density of development is within the allowed density for the City's General Plan.
3. The design or improvements will not conflict with any easements acquired by the public at large for access.
4. The design of the subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.
5. The design of the subdivision and improvements will not cause significant unmitigated environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the environmental assessment prepared for the development.
6. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.

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

- A. The foregoing recitals are true and correct.
- B. The Tentative Subdivision Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Mitigated Negative Declaration (ND 17-001) for this project is hereby adopted pursuant to the California Environmental Quality Act (CEQA).
- D. The Tentative Subdivision Map is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution.
- E. Within ten (10) days after the adoption of this resolution, any person who has written or spoken at the Planning Commission hearing may appeal the foregoing finding of this Commission to the City Council. No final map shall be approved, no grading permit issued, and no building permits issued for permits, other than temporary uses, until after the expiration of the tenth (10<sup>th</sup>) day following the adoption of this Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.
- F. The approval of this Tentative Subdivision Map shall expire within twenty-four (24) months from date of Planning Commission approval. The Final Map, conforming to this conditionally approved Tentative Subdivision Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the

filing of the Final Map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Subdivision Map and new processing of the map.

G. Within thirty (30) days of the approval of the Tentative Subdivision Map (TSM 14-006), the final approved plans (i.e.: tentative subdivision map, landscape plans, etc.) shall be submitted as a digital file on a CD including this resolution 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 Resolution PC 17-4633." 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.

H. 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, 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 ensure that prospective purchasers sign a disclosure for the following: 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 or will be required.

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

1. The applicant/developer shall apply for a public improvement permit compliant with SMMC 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded by the conditions contained herein. The improvement plans shall include water and sewer improvements and be approved by the appropriate utility service district. All appropriate fees shall be paid for the processing of the permit.
2. 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.
3. The applicant/developer shall dedicate, to the City of San Marcos, easements and/or rights-of-way for all public streets, utilities, trails, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests

shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.

4. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.
5. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
  - a. CFD 98-01 - Improvement Area No. 1, Police
  - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
  - c. CFD 2001-01 – Fire and Paramedic

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

6. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Manager prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the applicant/developer decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Division Manager. Other conditions may be imposed by the City Engineer and Planning Division Manager to allow out-of-phase construction.
7. 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 10,000 square feet.
8. Side yards shall have a minimum of three (3) feet of level open space between the building footprint and any slope or retaining wall in conjunction with the required building setback of ten (10) feet for a side yard in the Single-Family Residential (R-1-10) Zone.

9. 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.
10. Private Street "A" shall be offered for dedication by the applicant/developer to the City of San Marcos. The dedication for Private Street "A" shall be based on a right-of-way width of 60 feet.
11. 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 or other interest in real property have been obtained prior to permit issuance.
12. Direct access rights to all residential parcels abutting Montiel Road shall be relinquished to the City on the Final Map.
13. Private easement reservations for storm water management facilities, drainage and maintenance shall be shown on the Final Map.
14. 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.
15. 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.
16. The proposed private Street "A" is to be maintained through a "Private Road Maintenance Agreement". The individual property owners served by Private Street "A" shall enter into a recorded joint maintenance agreement to ensure adequate maintenance of all improvements within the boundaries of the private street and those improvements appurtenant to the street including storm water facilities.
17. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe the Home Owners Association (HOA) maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities.
18. A light emitting diode street lighting system shall be shown on the street improvement plans and is to 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.
19. The street light(s) shall be shielded to direct light downward and reduce glare.
20. Maintenance of private open space areas and slopes shall be the responsibility of an

Individual Homeowners Association/Master Homeowners Association.

21. All utilities fronting, abutting or within the project shall be undergrounded as shown on the tentative map with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.
22. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, 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.
23. The subject property (APNs: 228-120-09-00 and 228-120-34-00) and the adjacent property to the north (APN: 228-120-33-00) shall be annexed by the Vallecitos Water District (VWD) into their Sewer Improvement District prior to Final Map approval.
24. 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.

J. Prior to issuance of a grading permit, the following conditions shall 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. All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.
3. 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.
4. Erosion control and/or sediment control details shall be submitted with/on the

grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.

5. A hydrology and hydraulic report, including calculations, shall be prepared for the proposed project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner(s).
6. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the requirements of California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order Numbers R9-2015-0001 (Orange County enrollment) and R9-2015-0100 (Riverside enrollment).
7. The 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 management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
8. 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.
9. Offsite drainage easements shall be dedicated and recorded to the applicant/developer.
10. Letter(s) of permission shall be obtained for offsite grading from the adjacent property owners.
11. Fire hydrants with an adequate water supply shall be installed at locations approved by the San Marcos Fire Department. The hydrant for this project shall be placed between Lots 8 and 9 on the private road or as determined by the Fire Marshal. Hydrant type shall be Jones with one 4" & one 2 1/2" outlet. Fire flow requirement shall be minimum 1,500 gpm for two hours with a 20 psi residual pressure. Fire hydrants shall be in place, inspected by the Fire Department, and serviceable prior to delivery of combustible construction materials to the site.

12. Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15 to August 31. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.
13. All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
14. The applicant/developer shall submit conceptual architectural elevations with a minimum of three (3) distinct architectural styles for each floor plan to the Planning Division for architectural review and approval prior to issuance of grading permit. Typical features associated with the architectural style shall be represented on all sides of the building. In addition, each architectural style shall have additional enhancements on the front building elevation. The proposed residences shall be architectural compatible with each other and the surrounding neighborhood. The submittal shall include a color/materials board for the proposed residences.
15. Prior to issuance of grading permit, the applicant/developer shall comply with the following conditions regarding cultural resources:
  - a. An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.
  - b. Prior to beginning project construction, the 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.
  - c. At least thirty (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 agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American tribal monitors during grading, excavation and ground

disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.

- d. Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation with the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.
- e. The pre-construction meeting with the developer, contractor, and City staff shall include the project archaeologist and tribal monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the project archaeologist regarding proposed archaeological techniques and strategies for the project.
- f. In the event the project requires the import of fill onto the site, said material shall be clean of cultural resources and documented as such.
- g. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. All cultural materials that are deemed by the tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. In the event that curation of cultural resources is required, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.
- h. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.

- i. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
  - j. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under the required agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the project archaeologist and the tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning 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.
16. Under separate permit, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:
  - a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect. Landscape plans shall incorporate all modifications as conditioned.
  - b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.

- c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
- d. At least one (1) street tree shall be installed in the front yard (outside of the right-of-way) of each lot.
- e. Plant material for all subdivision landscaping shall be fire and drought tolerant and acceptable for defensible space in fire prone areas as approved by the Fire Marshal. Landscape plans shall be reviewed and approved by the Fire Marshal.
- f. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, Section 20.330 of the San Marcos Municipal Code.
- g. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Water Quality Improvement Plans.
- h. 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.
- i. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, for the 9-lot tentative subdivision map which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing. Vinyl and glass fencing/sound walls shall be constructed of durable and UV resistant materials. Glass sound walls shall be non-reflective and have a masonry block base. Material samples shall be submitted to the Planning Division for review and approval. Final fence/wall design shall be reviewed and approved by the Planning Division Manager.

j. Per the recommendations of the noise analysis, six (6) foot high sound attenuation walls shall be located along portions of the rear and southern side boundaries of the rear yards of the proposed lots as approved by the Planning Division Manager.

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

1. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
3. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
4. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures includes such items as: Reinforced door jambs; One piece door stops; 16-gauge strike plate for deadbolts; Locking hardware for garage doors; Two locking devices for wide garage doors; 1-3/4 inch solid exterior doors; Laminated safety glass; Wide angle peep hole for exterior doors; No louvered windows; and Address numbers easily visible from the street.
5. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
6. New dwellings shall be designed using State Fire Marshal standards for fire resistive construction features per 2016 CBC, Chapter 7A. Ember resistant style vents shall be installed.
7. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.
8. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.

9. Roof drain systems shall be designed for 3-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge and shall discharge to landscaped areas when feasible. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations. Roof drainage shall comply with the City's storm water management measures.
10. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate what features are standard, limited, optional, or not available, and the point of construction by which they must be requested.
11. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
12. The building permit applicant for the proposed development, redevelopment, or discretionary use shall pay Public Facilities Fees (PFF) as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use.
13. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
14. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
15. The project is approved as a single project with no phases. If phasing is desired, a phasing plan shall be submitted to the Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in Phase 1. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
16. 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.
17. The future residences shall comply with the California Building Code regarding interior noise levels for single-family residential dwelling units.

18. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
19. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.
20. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
21. Precise grading plans shall be incorporated into the building permit plan package(s).
22. 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.
23. The Final Map shall be recorded prior to issuance of any building permit.
24. Building plans shall acknowledge the location of storm water treatment and holding facilities. The building location(s) and associated loads may not influence the storm water facilities or interfere with access require to repair and/or maintain said facilities.
25. A certificate of line and grade, signed and stamped by the engineer of work, shall be provided to the engineering inspector. The certificate shall be in a form acceptable to the City Engineer.
26. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, shall be paid in full.
27. All exterior lighting shall comply with City standards for higher energy-efficient fixtures, except for low-wattage architectural lighting. All fixtures shall be approved by the City.
28. Building address shall be clearly identified on plans for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).

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

1. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
2. 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.
3. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.
4. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
5. Water wells shall be reconstructed or abated in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by San Diego County Environment Health Department.
5. The project shall comply with Regional Air Quality Standards.
6. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
7. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
8. During grading and construction operations, the applicant shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
9. At least one copy of the approved plans, approval letters and conditions of approval shall be available for review at the job site at all times.

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

1. All landscaping for the slopes, bio-retention basin and street trees shall be installed according to the approved landscape plans, and inspected by the Planning Division for approval. Landscaping shall be established and flourishing in a healthy manner. The applicant/developer shall be responsible to contact the Planning Division for inspection. Said landscape areas, where applicable, shall not be transferred over to the responsibility of the Home Owners Association (HOA) until inspected and approved by the City.
2. The applicant/developer shall submit a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.
3. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
4. Building address shall be clearly labeled for day and night-time emergency responses.
5. All applicable easements and agreements shall be recorded prior to occupancy.
6. 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.
7. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

N. The applicant/developer shall disclose to future residential owners 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).

O. 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.

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

Q. To the extent permitted by law, the 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 permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/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 the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall run with the land and 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 21<sup>st</sup> day of August, 2017, by the following electronic vote:

AYES: COMMISSIONERS: FLODINE, KILDOO, MATTHEWS, MINNERY  
NOES: COMMISSIONERS: OLEKSY  
ABSENT: COMMISSIONERS: JACOBY, NORRIS

APPROVED:

  
Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

  
Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION



## **ATTACHMENT D**

**CC STAFF REPORT 12/12/17**

**RESOLUTION NO. 2017-8432 FOR APPEALS**



# City of San Marcos

1 Civic Center Drive  
San Marcos, CA 92069

## Staff Report

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**File #:** TMP-0933, **Version:** 1

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**MEETING DATE:**

DECEMBER 12, 2017

**SUBJECT:**

RESOLUTION NO. 2017-8432 - P14-0049: TSM 14-006, ND 17-001, AA 17-0002, & AA 17-0003. MONTIEL RD PARTNERS LP. APPEAL OF 9-LOT TENTATIVE SUBDIVISION MAP.

**Recommendation**

ADOPT a resolution to deny the appeal and affirm the decision of the Planning Commission.

**Board or Commission Action**

The Planning Commission voted 4-1 to approve the proposed project. Four commissioners were absent (2 regular; 2 alternates). Two (2) appeals of the Planning Commission's decision were filed by neighbors, Ms. Barbara Radtke and Ms. Allison Ramirez.

**Relevant Council Strategic Theme**

Not Applicable

**Relevant Department Goal**

Not Applicable

**Introduction**

An application was received on October 7, 2014 from Montiel Rd Partners LP requesting approval of a Tentative Subdivision Map (TSM 14-006, "TSM") for nine (9) single-family residential lots on a 2.7-acre property located at 2110 Montiel Road in the Single-Family Residential (R-1-10) Zone. The existing residence on site will remain and occupy Lot 1 of the subdivision. Neighbors were notified of the proposed project in accordance with Chapter 20.505 of the San Marcos Municipal Code (SMMC). The City received several written comments (emails) from an adjacent neighbor, Ms. Allison Ramirez, regarding the proposal which is included in Attachment E. A Mitigated Negative Declaration (ND 17-001, "MND") was prepared for the proposed project, and was posted for public review from July 11, 2017 to August 1, 2017. The City received no comments from neighbors during the MND public review period. On August 21, 2017, the Planning Commission considered the proposal at a duly noticed public hearing where Ms. Ramirez and Ms. Radtke expressed concerns regarding the proposal. The Planning Commission Staff Report and Minutes are included in Attachments F and G, respectively. The Planning Commission approved the TSM and the associated Mitigated Negative Declaration (ND).

Subsequent to the Planning Commission decision, Ms. Radtke and Ms. Ramirez filed appeals of the decision on August 31, 2017 to the City Council which are included in Attachments I and J, respectively. In response to these appeals, and in accordance with the provisions of Chapter 20.545 of the San Marcos Municipal Code

(SMMC), the City Council shall consider the matter and either affirm the decision of the Planning Commission or render a decision de novo on the appeal. Within the time between the Planning Commission hearing and the City Council hearing, additional information was provided by the project applicant and the County of San Diego.

### **Proposed Project**

The subject site is zoned Single-Family Residential (R-1-10), and designated Very Low Density Residential (2.1 to 4.0 dwelling units per acre) per the General Plan. The density for the proposed project is 3.3 dwelling units per acre which complies with the General Plan. As shown on the Tentative Subdivision Map approved by the Planning Commission (Attachment H), the project proposes 9 single-family lots ranging in size from 10,003 square feet (net) to 10,034 square feet (net) which complies with the minimum lot size of 10,000 square feet for the R-1-10 Zone. An existing single family residence will remain on site, so the proposed project will allow the construction of eight (8) new single family residences. In addition, the TSM includes a private road off Montiel Road which will also provide access to the adjacent residence immediately to the north; landscaped slopes for erosion control and aesthetic purposes; and drainage infrastructure to convey storm water run-off to a bio-retention basin and an underground vault for water quality purposes prior to exiting the subdivision to Montiel Road.

Architectural elevations are not currently proposed for the project because the future homes are not proposed to be constructed by the applicant. Therefore, the project is conditioned for the future builder to submit architectural elevations to the Planning Division for architectural review and approval prior to issuance of a grading permit.

### **Environmental Review**

In accordance with the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (ND 17-001) (Attachment D) was prepared by the City for the proposed project and circulated for public review from July 11, 2017 to August 1, 2017. Environmental studies to address potential impacts to biological resources, cultural resources, and noise were prepared for the proposed project, and concluded that all potential impacts will be mitigated to a level below significance. Based on the size of the proposed development, a traffic study was not warranted in accordance with Institute of Transportation Engineers (ITE) standards. One comment was received after the close of the MND public review period from the San Luis Rey Band of Mission Indians which concurred with the MND mitigation for cultural resources, and is included in Attachment E. No comments were received from the adjacent property owners during the MND public review period.

### **Public Comments**

During the project review process, staff received multiple comments from the appellant, Ms. Ramirez, which are included in Attachment E. Ms. Ramirez expressed concerns regarding the project's density, traffic, grading, drainage, and water usage. Staff responded to Ms. Ramirez's comments which are included in Attachment E.

Ms. Ramirez attended the Planning Commission hearing and spoke regarding these issues including her concern about how the project would affect the existing septic system on her property which is located immediately to the west of Lot 5 of the TSM. Ms. Radtke also spoke at the Planning Commission hearing, and expressed concerns that the number of proposed homes is excessive; there are drainage issues in the area when it rains heavily; and since there is no sidewalk along the north side of Montiel Road, it is difficult to cross

the road to use the sidewalk on the other side due to speeding traffic.

After the Planning Commission hearing, the project applicant offered to meet with Ms. Ramirez to discuss her concerns; however, this offer was declined by Ms. Ramirez. As an alternative, Ms. Ramirez met with staff on August 30, 2017 to discuss the project and her appeal rights. Ms. Radtke also attended the meeting. Staff communicated to Ms. Ramirez the project applicant's willingness to address the septic issue by redesigning Lot 5.

After the Planning Commission hearing, an email was received from another property owner, Ms. Sydney Ann Oswald, who resides immediately to the east of the project site, to express concerns regarding biological resources, traffic, and drainage within the area. Her email and staff's response is included in Attachment E.

Below are details provided from the filed appeals and staff responses. Each of the appeal points in the attached letters have been bracketed and numbered, which correspond to the information below:

### **1. Radtke Appeal Points and Responses**

The appeal filed by Ms. Radtke ("BR") (Attachment I) sets forth several reasons upon which the appeal is based. The appellant's reasons for the appeal are summarized below with staff responses for each item.

Appeal Point 1 (BR): This item indicates "I understand that regulations allow the proposed project to be approved, but just because something is legal, it doesn't make it right".

Response 1 (BR): The proposed TSM is in conformance with the General Plan land use designation and zoning for the project site, and is designed in compliance with the City Subdivision Ordinance, Zoning Ordinance, and Municipal Code.

Appeal Point 2 (BR): This item indicates "San Marcos has plenty of homes on small amounts of land. Please reconsider and help keep a small section of San Marcos somewhat country by increasing the lots sizes and reducing the number of lots to 7 on this parcel."

Response 2 (BR): The subject site is zoned Single-Family Residential (R-1-10) and designated Very Low Density Residential (2.1 to 4.0 dwelling units per acre) per the General Plan. The proposed project's density is 3.3 dwelling units per acre which complies with the General Plan density for the project site. The R-1-10 Zone requires a minimum lot size of 10,000 square feet for each lot. The project proposes lot sizes ranging from 10,003 square feet (net) to 10,034 square feet (net) which complies with the zoning requirements.

The surrounding area along the north side of Montiel Road from Nordahl Road to Deodar Road at the City boundary is also zoned R-1-10 and designated for 2.1 to 4.0 dwelling units per acre, and has been since the 1980's. Existing single-family properties along Montiel Road range in lot size from 11,000 square feet to 2 acres in size where most of these lots were created under the original land division map for San Marcos, Map 806 Rancho Los Vallecitos de San Marcos, prior to City

incorporation. The most recent single-family development along Montiel Road is the Hillsboro Way subdivision to the east which was constructed in the early 2000's. This subdivision consists of 38 lots which range in size from 10,890 to 15,682 square feet. Similar to the proposed project, the Hillsboro Way subdivision is consistent with the R-1-10 Zone and designation of 2.1 to 4.0 dwelling units per acre.

**Appeal Point 3 (BR):** This item indicates "Please consider a DG walkers/bike path on the east side of Montiel instead of a small section of sidewalk leading no where."

**Response 3 (BR):** The project is required to install additional pavement and construct sidewalks along the subdivision's frontage along Montiel Road. It has been the City's practice to require subdivisions which meet zoning standards to install improvements along the property frontage and then transition to meet existing boundary conditions. Installing sidewalk or DG beyond the subdivision frontage would likely require the relocation of utilities, surface improvements, and driveway reconstruction along Montiel Road. To require these additional improvements to a public road would be inconsistent with the City's practice. There is no legal nexus for the City to require the proposed project to provide any off-site sidewalk or street improvements. Also, the City does not have an assessment district or Capital Improvement Project (CIP) plan to install sidewalks or to improve Montiel Road at this time.

## **2. Ramirez Appeal Points and Responses**

The appeal filed by Ms. Ramirez ("AR") (Attachment J) sets forth several reasons which the appeal is based. The appellant's reasons for the appeal are summarized below with staff responses for each item.

**Appeal Point 1 (AR):** This item indicates the letter (dated August 31, 2017) is a formal request of appeal and provides a summary of Ms. Ramirez's concerns such as traffic, health/safety, geology, and septic systems/leach fields, and refers to her letter (dated August 30, 2017) for additional information.

**Response 1 (AR):** Staff responses to each of Ms. Ramirez's concerns indicated in her appeal letter (dated August 31, 2017) and her previous letter (dated August 30, 2017) are provided within the following responses.

**Appeal Point 2 (AR):** This item expresses concerns that the proposed project will affect the adjacent properties on Cerro Bonita which have existing septic systems in close proximity to the project site; that the adjacent septic systems should have been addressed during the TSM review process; and there is no City sewer option provided or mitigated; and that there are no mitigation measures suggested.

**Response 2 (AR):** As required by the City's Subdivision Ordinance and Vallecitos Water District ("VWD"), the proposed 9-lot subdivision will be required to annex into VWD's Sewer District for sewer service. Through a private agreement with the property owner immediately to the north (APN: 228-120-33-00), the project also proposes to connect that existing

single-family residence to the sewer since legal access to the adjacent property runs through the project site.

As part of the regular City review process for a project of this size, the proposed project was routed to the County of San Diego for review and comment. The City received no comments from the County. The regulation and permitting of septic systems falls under County jurisdiction; therefore, the City was not aware of the existing septic systems on the adjacent properties on Cerro Bonita. The adjacent septic systems were first made known to staff at the Planning Commission hearing by the appellant. Previous correspondence from Ms. Ramirez (Attachment E) during the TSM review process did not mention the adjacent septic systems, but only asked about what "...improvements the developer will be obligated to provide, such as sidewalks, retaining walls, sound walls, traffic plans, water, sewer, schools, etc."

Per SMMC Section 19.16.010(k), the developer will be required to connect the proposed subdivision for sewer service. In accordance with a Water/Sewer Study prepared by VWD, the developer is also required to install or pay toward future upgrades of the existing sewer main system within the area as determined by VWD. The sewer improvements are described in the Utilities Section of the project's Mitigated Negative Declaration ND17-001 ("MND"). Property owners within the vicinity were notified of the public review period for the MND. The City received no MND comments from the adjacent neighbors.

Ms. Ramirez's property is located at 746 Cerro Bonita and abuts Lot 5 of the proposed subdivision. In response to the appellant's concerns indicated at the Planning Commission hearing regarding potential impacts to her septic system, the project applicant subsequently contacted the County to obtain records of the location of septic systems of properties along Cerro Bonita, and also reviewed the County setback standards for septic systems. The applicant conveyed to staff that the County indicated there are no records of septic systems for the adjacent properties along Cerro Bonita except for a septic repair permit for the Radtke property. Staff confirmed this with County staff.

As a result of this information, the applicant redesigned the grading of Lot 5 as shown in Attachment K. Assuming a worst case scenario that the existing leach lines from Ms. Ramirez's septic system extend beyond the normal five (5) foot setback and are instead located up to the property line, the proposed retaining wall on Lot 5 has been moved away from the property line in accordance with County standards for septic systems. Lot 5 is the only lot with a cut slope along the western property line; therefore per County standards, it is the only lot which required redesign to take into account the septic systems on the adjacent properties. Based on the County letter in Attachment L, the revised design is in accordance with County standards. The County also provided comments regarding the property directly to the north (APN: 228-120-33-00) that a connection to sewer would be required if the septic system on the said property is impacted by the project. As previously mentioned, the proposed project

will include a sewer connection for the property to the north.

**Appeal Point 3 (AR):** This item indicates Montiel Road has an unsafe speed limit, no sidewalks or bike lane, and was meant to be a country road and not to handle the volume of traffic it is now subject to. This item questions that no traffic study was prepared for the project.

**Response 3 (AR):** The speed limit set on Montiel Road is set by the City based on a speed survey. The last speed survey was conducted on September 21, 2011, and is valid for 7 years in accordance with the California Vehicle Code. The results of the survey support the existing posted speed limit of 40 miles per hour.

Montiel Road is classified as a collector street. The most current traffic counts the City has performed show that the average daily traffic (approximately 8,000 trips) does not exceed the acceptable level of service capacity (13,000 trips) for the road classification of a collector street per ITE standards.

Montiel Road varies in right-of-way width from the border with the City of Escondido to its intersection with Nordahl Road. At this time, the City does not have an assessment district or Capital Improvement Project (CIP) plan to install sidewalks and widen Montiel Road. The General Plan does not identify a future bicycle route for Montiel Road. The proposed project is required to install additional pavement and install a sidewalk along the subdivision's frontage on Montiel Road. The existing right-of-way on Montiel Road along the project frontage is 66' wide and is sufficient to accommodate these improvements. The proposed project will add a street light at the intersection of Montiel Road and Street A of the subdivision which will provide for increased visibility at the intersection.

It has been the City's practice to require subdivisions which meet zoning standards to install improvements along the property frontage only and then transition to meet existing boundary conditions. To require additional improvements to Montiel Road beyond the project site's frontage would be inconsistent with the City's practice as there is no nexus to require additional off-site improvements.

The project itself is not proposing a change in land-use and the amount of traffic trips produced by the proposed project do not meet the threshold to require a traffic impact analysis according to ITE standards which the City has adopted.

**Appeal Point 4 (AR):** This item indicates that geology reports are not accurate regarding the existence of ground water on site if prepared during the drought. During rainy seasons, sump pumps are needed to drain basements and garages at adjacent homes. This item also indicates the proposed project has not addressed how surface drainage will affect the adjacent lots on Cerro Bonito.

**Response 4 (AR):** The findings in the soils report provided with the application did not include evidence of ground water within the project limits. A total of eleven (11) borings were drilled

during the soils investigation and the soils report noted no presence of water in the bores. Upon receipt of the appeal, the project geotechnical engineer provided additional clarification to the findings which further supports the original conclusion of the report that groundwater is not present at the site (Attachment M). According to the geotechnical engineer's updated letter, "...even during a drought, the potential for perched groundwater to develop would still be evident in the form of wetter than normal soil, as excessive moisture is very slow to dissipate underground. Although borings were placed during the dry season (July 2014), there was no evidence of potential perched groundwater conditions as field moisture contents were within the normal to dry range to the bottom of the exploratory borings."

A preliminary hydrology and hydraulic report was provided with the application. The project does not propose to direct drainage to neighboring properties and is consistent with the San Diego County Hydrology Manual. The project will intercept runoff from adjacent properties and convey it through a concrete drainage ditch to a bio-retention basin and underground vault within the property, prior to exiting to Montiel Road. All runoff generated from the project will be discharged onto Montiel Road and will be managed so that there is no increase in runoff. A letter from the project engineer-of-work addressing the drainage design is included in Attachment N.

**Appeal Point 5 (AR):** This item questions whether an Environmental Impact Report or Statement has been prepared for the proposed project, and that such document should address the project impacts and describe the mitigation improvements the developer would be obligated to provide such as sidewalks, retaining walls, sound walls, traffic plans, water sewer, schools, etc.

**Response 5 (AR):** Preparation of an Environmental Impact Report is not warranted for the proposed project in that all potential project impacts can be mitigated to a level below significance. This project is considered in-fill development consistent with the General Plan. Therefore, the City determined a Mitigated Negative Declaration was the appropriate environmental analysis for the project pursuant to the California Environmental Quality Act (CEQA). Mitigated Negative Declaration (ND17-001) was prepared for the proposed project with technical studies prepared for biological resources, cultural resources, noise analysis, geotechnical investigation, hydrology/water quality study, and water/sewer study. The MND discusses potential project impacts and stipulates mitigation measures which are required to be implemented through the project construction process.

The MND was posted for public review from July 11, 2017 to August 1, 2017 where surrounding property owners and tenants were notified of its availability for review. The City received no comments from the appellant regarding the MND. ND17-001 was adopted by the Planning Commission in conjunction with the TSM approval.

An Environmental Impact Statement does not apply to the project. An EIS applies only to projects under Federal review which are subject to the National Environmental

Protection Act (NEPA).

**Appeal Point 6 (AR):** This item indicates that even though properly zoned, the density of the proposed project grossly exceeds the area and does not fit into the neighborhood.

**Response 6 (AR):** See previous Response 2 (BR).

**Appeal Point 7 (AR):** This item indicates that Montiel Road is now a main thorough fare with all the excess traffic generated from commercial development and a future hotel, and is very dangerous due to the volume of traffic, as well as the allowed speed limit. The traffic and speed are becoming unacceptable without widening Montiel Road and sidewalks being added. In addition, there is a church in Escondido which uses the Coles parking lot for overflow parking and this congests Montiel Road as well.

**Response 7 (AR):** See previous Response 3 (AR).

**Appeal Point 8 (AR):** This item indicates the decisions made by appointed staff (Planning Commissioners) were not made based on factual information found in any due diligence performed, but was made at an arm's reach of information or based on personal opinion.

**Response 8 (AR):** The Planning Commissioners were provided a review package which includes the staff report detailing the proposed project; the proposed MND and associated technical studies; project plans (e.g.: tentative subdivision map, conceptual grading plan, conceptual landscape plan, etc.); the TSM resolution which includes findings to the effect that the design of the subdivision is in conformance with the General Plan and relevant San Marcos Municipal Code requirements, as well as the conditions of approval for the project; and written public comments that were received during the project review process. In addition, a presentation of the proposal was presented by staff and the project applicant at the Planning Commission hearing, and both appellants spoke at the hearing to express their concerns regarding the proposed project. All the aforementioned information was made available to the Planning Commissioners to consider in making a decision on the proposed project.

**Appeal Point 9 (AR):** This item indicates the appellant has been working with the Planning Department on the proposed project since 2014, and has raised numerous items that have yet all to be resolved or responded to appropriately.

**Response 9 (AR):** Ms. Ramirez has emailed numerous comments during the project review process which are included in Attachment E, along with responses by staff.

**Appeal Point 10 (AR):** This item indicates that Montiel Road should be widened to accommodate the increase in traffic, and provide a bicycle lane and side walk along Montiel Road.

**Response 10 (AR):** See previous Response 3 (AR).

Appeal Point 11 (AR): This item indicates the City Council should consider reducing the speed limit on Montiel Road from 40 to 25 miles per hour. The appellant indicates that Montiel Road should be widened to address the current traffic congestion in order for traffic to flow smoothly.

Response 11 (AR): See previous Response 3 (AR).

Appeal Point 12 (AR): This item indicates the Planning Commission approved mitigation improvements for VWD sewer line under State Route 78, but this is not applicable to the properties on Cerro Bonita since they are on septic. Therefore, the appellant questions the safety of residents in the area, and that sidewalks and a bicycle lane will ensure the area is safe.

Response 12 (AR): VWD requires only the project site and the adjacent property to the north (APN: 228-120-33-00) to annex into the Sewer Improvement District and connect to sewer. VWD did not require additional off-site properties to be annexed or connect to sewer.

In accordance with a Water/Sewer Study prepared by VWD, the developer is required to install or pay toward future upgrades of the existing sewer main system within the area as determined by VWD. The developer will be required to install or pay a fee toward the upgrading of sections of pipeline or portions thereof as determined by VWD, to increase flow for approximately 2,800 feet of sewer main within existing VWD easements along the State Route 78 right-of-way. As a potential alternative to the aforementioned improvements, a contribution as determined by VWD may be required to be paid by the applicant for installation, or a portion thereof, of the proposed Montiel Gravity Outfall which is a pipeline linking the Montiel sewer shed's collection infrastructure to the collection system in Mission Road, south of State Route 78 in the City of Escondido.

See Response 3 (AR) regarding Montiel Road improvements (e.g.: sidewalks and bicycle lane).

Appeal Point 13 (AR): This item indicates the project proposes grading 20 feet below the current surface at the property line of the Cerro Bonita properties, and questions whether the City has considered the close proximity of the existing septic and leech lines. In addition, the appellant indicates the proposed grading could cause a health/safety/environmental issue or hazardous materials clean up from the adjacent septic systems; and what would happen if there is negligence on the developer's or contractor's part as they are grading.

Response 13 (AR): See previous Response 2 (AR). Furthermore, the Tentative Subdivision Map approved by Planning Commission shows a 9.5 foot high retaining wall on Lot 5 which is setback 5 feet from the property line adjacent to the appellant's property. This is the only excavation cut along the subdivision's western property line. The remaining lots (Lots 1 to 4) are all proposed to be graded as fill pads which are upslope from the

Cerro Bonita properties. As indicated in Response Point 2 (AR), the project applicant has redesigned Lot 5 to move the proposed retaining wall approximately 30 feet away from the property line in order to address the possibility that the adjacent leach lines extend up to the property line. This redesign complies with County standards for septic systems.

During project grading, a City inspector and representative from the geotechnical engineer's office are required to be present at various stages of grading. City inspections include excavations for walls and cut slopes prior to fill being placed. If subsurface water is observed as part of the grading operations, the City inspector would require the geotechnical engineer to provide supplemental information of how to address the water. The geotechnical engineer would then be required to consult with the County Department of Environmental Health if the water was found to be contaminated.

**Appeal Point 14 (AR):** This item questions whether an Environmental Impact Report or Statement has been prepared for the proposed project.

**Response 14 (AR):** See previous Response 5 (AR).

**Appeal Point 15 (AR):** This item questions whether the City has considered underground springs and whether a hydrology study has been performed.

**Response 15 (AR):** See previous Response 4 (AR).

**Appeal Point 16 (AR):** This item questions whether the City has considered existing wells within the area.

**Response 16 (AR):** The geotechnical study identified no existing water wells on the project site. If a well is encountered during grading operations, it would be required to be reconstructed or abated in compliance with City and County regulations.

**Appeal Point 17 (AR):** This item questions whether a hydraulic study has been performed.

**Response 17 (AR):** See previous Response 4 (AR).

**Appeal Point 18 (AR):** This item indicates during heavy rain years that cause underground springs to flow up, enough water seeps up to cause flooding in the appellant's garage and home.

**Response 18 (AR):** See previous Response 4 (AR).

**Appeal Point 19 (AR):** This item questions what the project is providing as a whole with regard to storm water, erosion, and drainage.

**Response 19 (AR):** See previous Response 4 (AR).

**Appeal Point 20 (AR):** This item reiterates the proximity of the adjacent existing septic and leech lines, and the potential to damage those properties or the proposed project.

**Response 20 (AR):** See previous Response 2 (AR).

**Appeal Point 21 (AR):** This item indicates that the project is taking away the quality of life and privacy for the Cerro Bonita properties, and the project does not fit into the neighborhood in that the proposed lot sizes are not similar to the adjacent lots on Cerro Bonita.

**Response 21 (AR):** See previous Response 1 (BR).

### **Fiscal Impact**

The project will result in both service costs as well as generate revenues through property tax and development impact fees. A fiscal impact analysis was not conducted for the project; however, the largest service costs (fire, police services and landscape maintenance) will be mitigated in part through the established city-wide Community Facilities Districts.

### **Attachment(s)**

Adopting Resolution

Planning Commission Resolution PC 17-4633 (TSM 14-006)

- A. Vicinity Map
- B. Request
- C. Site & Project Characteristics
- D. Mitigated Negative Declaration (ND 17-001)
- E. Public Comments
- F. Planning Commission Staff Report
- G. Planning Commission Minutes
- H. Planning Commission Approved Tentative Subdivision Map
- I. Barbara Radtke Appeal Letter (AA 17-0002)
- J. Allison Ramirez Appeal Letter (AA 17-0003)
- K. Lot 5 Redesign Exhibit
- L. County of San Diego Letter, dated 9/20/17
- M. C.W. La Monte Company letter, dated 11/16/17
- N. Kappa Engineering letter, dated 11/15/17

Prepared by: Norm Pedersen, Associate Planner

Reviewed by: Saima Qureshy, Principal Planner

Submitted by: Karen Brindley, Planning Division Manager

Reviewed by: Dahvia Lynch, Development Services Director

Approved by: Jack Griffin, City Manager

RESOLUTION NO. 2017-8432

A RESOLUTION OF THE CITY OF SAN MARCOS CITY COUNCIL DENYING AN APPEAL AND MODIFYING THE CONDITIONS OF APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR UP TO NINE (9) LOTS WITHIN THE SINGLE-FAMILY RESIDENTIAL (R-1-10) ZONE IN THE RICHLAND NEIGHBORHOOD

TSM 14-006 / AA 17-0002 / AA 17-0003

P14-0049

Montiel Rd Partners LP

WHEREAS, on October 7, 2014 an application was received from Montiel Rd Partners LP requesting approval of a Tentative Subdivision Map (TSM) for up to nine (9) single-family lots on a 2.7-acre site located at 2110 Montiel Road within the Single-Family Residential (R-1-10) Zone, more particularly described as:

Portion of Lot 3 of Block 6, Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Numbers: 228-120-09-00 and 228-120-34-00.

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

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-001) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission approved the request for Tentative Subdivision Map (TSM 14-006) and adopted the Mitigated Negative Declaration (ND 17-001) by a 4-1 vote on August 21, 2017 subject to conditions based on the findings contained in Planning Commission Resolution PC 17-4633; and

WHEREAS, an appeal (AA 17-0002) was filed by Ms. Barbara Radtke, on August 31, 2017, in opposition to the decision of the Planning Commission; and

WHEREAS, an additional appeal (AA 17-0003) was filed by Ms. Allison Ramirez, on August 31, 2017, in opposition to the decision of the Planning Commission; and

WHEREAS, in response to information received at the August 21, 2017 Planning Commission hearing, the applicant submitted a revision to the Tentative Subdivision Map (TSM 14-006) to move the proposed retaining wall on Lot 5 away from the western property line by approximately 30 feet in order to address the proximity of the existing leach field on the adjacent property (APN: 228-120-30-00) in accordance with County of San Diego Environmental Health Department standards; as currently revised, the City Engineer expects to make the determination that the adjustment of the retaining wall for Lot 5 will be in substantial conformance to the Tentative Subdivision Map (TSM 17-006) prior to issuance of a grading permit; and

WHEREAS, the City Council held an appeal hearing on December 12, 2017 which was duly advertised and held in the manner prescribed by law; and

WHEREAS, the City Council denied the appeal and upheld the Planning Commission decision based on the following findings and determinations:

1. The Tentative Subdivision Map is in conformance with the goals, policies, and objectives of the General Plan in that it provides a single-family residential use in an area of the City designated for single-family residences with a density not to exceed 3.3 dwelling units per acre.
2. The site is physically suitable for this type of subdivision and the proposed density of development is within the allowed density for the City's General Plan.
3. The design or improvements will not conflict with any easements acquired by the public at large for access.
4. The design of the subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.
5. The design of the subdivision and improvements will not cause significant unmitigated environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the environmental assessment prepared for the development.
6. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.

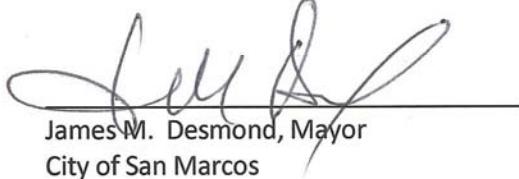
NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

- A. The foregoing recitals are true and correct.
- B. The Tentative Subdivision Map (TSM 14-006) is upheld per the approved Planning Commission conditions contained in Resolution PC 17-4633, modified by the City Council as reflected in redlines in the attached and adoption of Mitigated Negative Declaration (ND 17-001).
- C. The approval of the Tentative Subdivision Map (TSM 14-006) shall expire within twenty-four (24) months from date of this City Council resolution. The Final Map, conforming to this conditionally approved Tentative Subdivision Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Subdivision Map and new processing of the map.

PASSED AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting, this 12<sup>th</sup> day of December, 2017, by the following roll call vote:

AYES: COUNCILMEMBERS: JABARA, JENKINS, JONES, DESMOND  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: ORLANDO

APPROVED:



James M. Desmond, Mayor  
City of San Marcos

ATTEST:



Phillip Scollick, City Clerk  
City of San Marcos

CONDITION I-17 OF THIS RESOLUTION WAS MODIFIED BY CITY COUNCIL ON DECEMBER 12, 2017 AND IS ATTACHED TO CC RESOLUTION NO. 2017-8432.

RESOLUTION PC 17-4633

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A TENTATIVE SUBDIVISION MAP FOR UP TO NINE (9) LOTS WITHIN THE SINGLE-FAMILY RESIDENTIAL (R-1-10) ZONE

TSM 14-006  
P14-0049  
Montiel Rd Partners LP

WHEREAS, on October 7, 2014 an application was received from Montiel Rd Partners LP requesting approval of a Tentative Subdivision Map (TSM) for up to nine (9) single-family lots on a 2.7-acre site located at 2110 Montiel Road within the Single-Family Residential (R-1-10) Zone, more particularly described as:

Portion of Lot 3 of Block 6, Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Numbers: 228-120-09-00 and 228-120-34-00.

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

WHEREAS, the required public hearing held on August 21, 2017 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 17-001) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

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

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

1. The Tentative Subdivision Map is in conformance with the goals, policies, and objectives of the General Plan in that it provides a single-family residential use in an area of the City designated for single-family residences with a density not to exceed 3.3 dwelling units per acre.
2. The site is physically suitable for this type of subdivision and the proposed density of development is within the allowed density for the City's General Plan.
3. The design or improvements will not conflict with any easements acquired by the public at large for access.
4. The design of the subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.
5. The design of the subdivision and improvements will not cause significant unmitigated environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the environmental assessment prepared for the development.
6. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.

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

- A. The foregoing recitals are true and correct.
- B. The Tentative Subdivision Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Mitigated Negative Declaration (ND 17-001) for this project is hereby adopted pursuant to the California Environmental Quality Act (CEQA).
- D. The Tentative Subdivision Map is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution.
- E. Within ten (10) days after the adoption of this resolution, any person who has written or spoken at the Planning Commission hearing may appeal the foregoing finding of this Commission to the City Council. No final map shall be approved, no grading permit issued, and no building permits issued for permits, other than temporary uses, until after the expiration of the tenth (10<sup>th</sup>) day following the adoption of this Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.

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

G. Within thirty (30) days of the approval of the Tentative Subdivision Map (TSM 14-006), the final approved plans (i.e.: tentative subdivision map, landscape plans, etc.) shall be submitted as a digital file on a CD including this resolution 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 Resolution PC 17-4633." 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.

H. 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, 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 ensure that prospective purchasers sign a disclosure for the following: 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 or will be required.

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

1. The applicant/developer shall apply for a public improvement permit compliant with SMMC 14.16. All plans submitted for public improvements shall conform to applicable codes and engineering handouts, unless explicitly superseded by the conditions contained herein. The improvement plans shall include water and sewer improvements and be approved by the appropriate utility service district. All appropriate fees shall be paid for the processing of the permit.
2. 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.

3. The applicant/developer shall dedicate, to the City of San Marcos, easements and/or rights-of-way for all public streets, utilities, trails, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
4. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all required public improvements prior to permit issuance. Securities and applicable fees for the construction of the public improvements shall be submitted and approved in accordance with the San Marcos Municipal Code sections 19.16.070 and 19.16.080.
5. The applicant/developer shall mitigate for impacts on City services related to emergency response, traffic congestion, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
  - a. CFD 98-01 - Improvement Area No. 1, Police
  - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
  - c. CFD 2001-01 – Fire and Paramedic

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

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

7. 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 10,000 square feet.
8. Side yards shall have a minimum of three (3) feet of level open space between the building footprint and any slope or retaining wall in conjunction with the required building setback of ten (10) feet for a side yard in the Single-Family Residential (R-1-10) Zone.
9. 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.
10. Private Street "A" shall be offered for dedication by the applicant/developer to the City of San Marcos. The dedication for Private Street "A" shall be based on a right-of-way width of 60 feet.
11. 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 or other interest in real property have been obtained prior to permit issuance.
12. Direct access rights to all residential parcels abutting Montiel Road shall be relinquished to the City on the Final Map.
13. Private easement reservations for storm water management facilities, drainage and maintenance shall be shown on the Final Map.
14. 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.
15. 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.
16. The proposed private Street "A" is to be maintained through a "Private Road Maintenance Agreement". The individual property owners served by Private Street "A" shall enter into a recorded joint maintenance agreement to ensure adequate maintenance of all improvements within the boundaries of the private street and those improvements appurtenant to the street including storm water facilities.
17. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe the Home Owners Association (HOA) maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities.

For Lot 5, a land use deed restriction (including a locational exhibit) shall be submitted to the City for review and approval. The deed restriction shall prohibit any grading activity behind the retaining wall at the northwest corner of said lot. The deed restriction shall be recorded with the County of San Diego.

18. A light emitting diode street lighting system shall be shown on the street improvement plans and is to 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.
19. The street light(s) shall be shielded to direct light downward and reduce glare.
20. Maintenance of private open space areas and slopes shall be the responsibility of an Individual Homeowners Association/Master Homeowners Association.
21. All utilities fronting, abutting or within the project shall be undergrounded as shown on the tentative map with the exception of sixty-nine (69) KVA or greater power lines. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the underground of such equipment is not possible due to safety or lack of standards for such undergrounding, the applicant/developer shall provide an underground vault, architecturally integrated screen wall around equipment, or other option approved by the Planning Division Manager.
22. The applicant/developer shall be responsible for acquiring all associated easements required by the utility companies for such work. The permanent placement of Vallecitos Water District's large meter services, detector checks, 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.
23. The subject property (APNs: 228-120-09-00 and 228-120-34-00) and the adjacent property to the north (APN: 228-120-33-00) shall be annexed by the Vallecitos Water District (VWD) into their Sewer Improvement District prior to Final Map approval.
24. 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.

J. Prior to issuance of a grading permit, the following conditions shall 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. All recommendations and conclusions of the prepared geologic and soils study shall be incorporated into the project design and grading plan. Said report shall be approved by the City's Engineering and Building Divisions.
3. 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.
4. Erosion control and/or sediment control details shall be submitted with/on the grading plans to the City's Engineering Division for review and approval. The details shall conform to City standards, codes, SDRWQCB Municipal Stormwater Permit requirements, and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions.
5. A hydrology and hydraulic report, including calculations, shall be prepared for the proposed project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the buildout runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner(s).
6. A Storm Water Quality Management Plan (SWQMP) shall be submitted in accordance with the most current version of the City adopted BMP design manual and meet the requirements of California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001 as amended by Order Numbers R9-2015-0001 (Orange County enrollment) and R9-2015-0100 (Riverside enrollment).
7. The 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 management improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
8. 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.

9. Offsite drainage easements shall be dedicated and recorded to the applicant/developer.
10. Letter(s) of permission shall be obtained for offsite grading from the adjacent property owners.
11. Fire hydrants with an adequate water supply shall be installed at locations approved by the San Marcos Fire Department. The hydrant for this project shall be placed between Lots 8 and 9 on the private road or as determined by the Fire Marshal. Hydrant type shall be Jones with one 4" & one 2 1/2" outlet. Fire flow requirement shall be minimum 1,500 gpm for two hours with a 20 psi residual pressure. Fire hydrants shall be in place, inspected by the Fire Department, and serviceable prior to delivery of combustible construction materials to the site.
12. Prior to grading the site or causing any impact to the site, in order to prevent potential impacts to nesting of any migratory, songbirds, or raptors, grading and/or construction activities on site must be avoided during the nesting season which extends from February 15 to August 31. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.
13. All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block. The applicant/developer shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
14. The applicant/developer shall submit conceptual architectural elevations with a minimum of three (3) distinct architectural styles for each floor plan to the Planning Division for architectural review and approval prior to issuance of grading permit. Typical features associated with the architectural style shall be represented on all sides of the building. In addition, each architectural style shall have additional enhancements on the front building elevation. The proposed residences shall be architectural compatible with each other and the surrounding neighborhood. The submittal shall include a color/materials board for the proposed residences.
15. Prior to issuance of grading permit, the applicant/developer shall comply with the following conditions regarding cultural resources:
  - a. An archeological monitor and a Luiseño Native American monitor shall be present during all earth moving and grading activities to assure that any

potential cultural resources, including tribal, found during project grading be protected.

- b. Prior to beginning project construction, the 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.
- c. At least thirty (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 agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.
- d. Prior to beginning project construction, the project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the required agreement, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the Luiseño Native American monitor in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.
- e. The pre-construction meeting with the developer, contractor, and City staff shall include the project archaeologist and tribal monitor in discussion of the proposed earth disturbing activities for the project site, including excavation schedules and safety protocol, as well as consultation with the project archaeologist regarding proposed archaeological techniques and strategies for the project.
- f. In the event the project requires the import of fill onto the site, said material shall be clean of cultural resources and documented as such.
- g. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous

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

- h. All sacred sites, should they be encountered within the project area, shall be avoided and preserved as the preferred mitigation, if feasible.
- i. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within twenty-four (24) hours. The NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within forty-eight (48) hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
- j. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under the required agreement with the landowner shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the applicant/developer, the project archaeologist and the tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning 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.

16. Under separate permit, the applicant/developer shall submit construction landscape plans to the Planning Division for review and approval per the following requirements:
  - a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect. Landscape plans shall incorporate all modifications as conditioned.
  - b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
  - c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
  - d. At least one (1) street tree shall be installed in the front yard (outside of the right-of-way) of each lot.
  - e. Plant material for all subdivision landscaping shall be fire and drought tolerant and acceptable for defensible space in fire prone areas as approved by the Fire Marshal. Landscape plans shall be reviewed and approved by the Fire Marshal.
  - f. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, Section 20.330 of the San Marcos Municipal Code.
  - g. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Water Quality Improvement Plans.

- h. 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.
- i. The applicant/developer shall submit a fencing plan, in conjunction with the landscape plan, for the 9-lot tentative subdivision map which proposes a consistent type and style of fences and/or walls. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing. Vinyl and glass fencing/sound walls shall be constructed of durable and UV resistant materials. Glass sound walls shall be non-reflective and have a masonry block base. Material samples shall be submitted to the Planning Division for review and approval. Final fence/wall design shall be reviewed and approved by the Planning Division Manager.
- j. Per the recommendations of the noise analysis, six (6) foot high sound attenuation walls shall be located along portions of the rear and southern side boundaries of the rear yards of the proposed lots as approved by the Planning Division Manager.

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

- 1. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
- 2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- 3. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
- 4. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures includes such items as: Reinforced door jambs; One piece door stops; 16-gauge strike plate for deadbolts; Locking hardware for garage doors; Two locking devices for wide garage doors; 1-3/4 inch solid exterior doors; Laminated safety glass; Wide angle peep hole for exterior doors; No louvered windows; and Address numbers easily visible from the street.

5. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance (SMMC Chapter 17.64). Fire suppression systems shall conform to the National Fire Protection Association standards.
6. New dwellings shall be designed using State Fire Marshal standards for fire resistive construction features per 2016 CBC, Chapter 7A. Ember resistant style vents shall be installed.
7. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.
8. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.
9. Roof drain systems shall be designed for 3-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge and shall discharge to landscaped areas when feasible. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations. Roof drainage shall comply with the City's storm water management measures.
10. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate what features are standard, limited, optional, or not available, and the point of construction by which they must be requested.
11. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
12. The building permit applicant for the proposed development, redevelopment, or discretionary use shall pay Public Facilities Fees (PFF) as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use.
13. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.

14. The project is subject to the approval of the Vallecitos Water District (VWD) for water and sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
15. The project is approved as a single project with no phases. If phasing is desired, a phasing plan shall be submitted to the Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in Phase 1. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
16. 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.
17. The future residences shall comply with the California Building Code regarding interior noise levels for single-family residential dwelling units.
18. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
19. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.
20. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
21. Precise grading plans shall be incorporated into the building permit plan package(s).
22. 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.
23. The Final Map shall be recorded prior to issuance of any building permit.

24. Building plans shall acknowledge the location of storm water treatment and holding facilities. The building location(s) and associated loads may not influence the storm water facilities or interfere with access require to repair and/or maintain said facilities.
25. A certificate of line and grade, signed and stamped by the engineer of work, shall be provided to the engineering inspector. The certificate shall be in a form acceptable to the City Engineer.
26. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, shall be paid in full.
27. All exterior lighting shall comply with City standards for higher energy-efficient fixtures, except for low-wattage architectural lighting. All fixtures shall be approved by the City.
28. Building address shall be clearly identified on plans for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).

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

1. Landscaping of slopes, in accordance with the approved landscape plans, shall commence at time of completion of grading activities.
2. 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.
3. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.
4. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
5. Water wells shall be reconstructed or abated in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by San Diego County Environment Health Department.

5. The project shall comply with Regional Air Quality Standards.
6. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
7. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
8. During grading and construction operations, the applicant shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
9. At least one copy of the approved plans, approval letters and conditions of approval shall be available for review at the job site at all times.

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

1. All landscaping for the slopes, bio-retention basin and street trees shall be installed according to the approved landscape plans, and inspected by the Planning Division for approval. Landscaping shall be established and flourishing in a healthy manner. The applicant/developer shall be responsible to contact the Planning Division for inspection. Said landscape areas, where applicable, shall not be transferred over to the responsibility of the Home Owners Association (HOA) until inspected and approved by the City.
2. The applicant/developer shall submit a Certificate of Completion by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Technical Report, respectively.
3. The applicant/developer shall comply with the Fire Department for hydrants and on-site access for emergency vehicles.
4. Building address shall be clearly labeled for day and night-time emergency responses.
5. All applicable easements and agreements shall be recorded prior to occupancy.

6. 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.
7. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

N. The applicant/developer shall disclose to future residential owners 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).

O. 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.

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

Q. To the extent permitted by law, the 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 permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/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 the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall run with the land and 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 21<sup>st</sup> day of August, 2017, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION