

RESOLUTION PC 12-4324

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION APPROVING A TENTATIVE SUBDIVISION MAP FOR TWENTY-TWO SINGLE FAMILY LOTS WITH A 35% DENSITY BONUS WITHIN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONE IN THE RICHLAND NEIGHBORHOOD.

TSM 470
1188 Borden Road, LLC & 1200 Venture, LLC

WHEREAS, on November 28, 2006, an application was received from 1188 Borden Road LLC and 1200 Venture LLC requesting approval of a Tentative Subdivision Map (TSM) for twenty-two (22) single-family lots, in conjunction with a 35% density bonus, on a 4.01 acre site located at 1188 and 1200 Borden Road, within the Single-Family Residential (R-1) Zone in the Richland Neighborhood, more particularly described as:

Parcel 1: The easterly 330.00 feet of Lot 2 in Block 29 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895

Parcel 2: The westerly 30.00 feet of the easterly 360.00 feet of Lot 2 in Block 29 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895

Parcel 3: The easterly 330.00 feet of the southerly 330.00 feet of Lot 2 in Block 29 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895 excepting the easterly 165 feet thereof.

Assessor's Parcel Numbers: 224-040-28, 224-040-29, 224-040-11

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

WHEREAS, a public workshop was held with the Planning Commission on August 3, 2009; and

WHEREAS, Mitigated Negative Declaration ND 09-785 was circulated for public review;

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WHEREAS, the required public hearing on September 15, 2009 was duly advertised in the manner prescribed by law, however the applicant requested a continuance to November 2, 2009; and

WHEREAS, the applicant requested the project to be tabled; and

WHEREAS, the applicant redesigned the project;

WHEREAS, the required public hearing on December 3, 2012 was duly advertised in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 12-821) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, State Government Code Section 65915 et. seq. requires the City to grant up to a 35% density bonus if a developer seeks and agrees to construct a project that includes at least 11% of the target units as very low income units, and the proposed project meets this requirement; and

WHEREAS, State Government Code Section 65915 et seq. requires the City to grant two concessions if the proposed project includes at least 10% very low income units, and the proposed project meets this requirement; and

WHEREAS, State Government Code Section 65915 et seq. the City cannot apply any development standard that will have the effect of physically precluding the construction of a development at the density allowed by State Government Code Section 65915, and the applicant has requested development standard waivers to reduce R-1 zone minimum lot size and minimum front, side, rear setbacks (20.36.030; 20.36.040; 20.36.050); and has requested a waiver of the required minimum lot depth (19.16.010(f)) in order to meet the density of 22 lots; and

WHEREAS, the Planning Commission did consider said Tentative Subdivision Map and the recommendation by staff, the City Engineer/Public Works Director, 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 complies with State Government Code ("SGC") Section 65915 et seq. of the California Government Code.

2. Tentative Subdivision Map complies with current zoning in that the proposed development is consistent with the Zoning Ordinance allowing the proposed development, and provides for adequate lot sizes, frontage, access, and drainage (with modifications), in compliance with State Government Code 65915 et seq. The applicant has requested development concessions and waivers per State Government Code Section 65915(d)(2)(B) to allow access of subdivision lots from a private street (concession of SMMC 19.16.010(c)), and to allow a combination of a retaining wall and wood fence design along the perimeter of the subdivision; and waivers of development standards to allow reduced minimum R-1 zone lot size and setbacks, and reduced minimum lot depth (waivers of SMMC 20.36.030, 20.36.040, 20.36.050; 19.16.010(f)). The project meets the requirements of State Government Code Section 65915 et seq., and therefore the City must grant the two concessions and development standard waivers as requested by the applicant.
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, as provided for per State Government Code 65915 et seq.
4. The Tentative Subdivision Map is in conformance with the goals, policies, and objectives of the Richland Neighborhood Land Use Plan in that it provides a single-family residential use in an area of the City designated for single-family residences with a density that exceeds the city General Plan designation, however, is considered consistent with allowable density per State Government Code 65915 et seq.
5. The design or improvements will not conflict with any easements acquired by the public at large for access in that adequate right of way dedication will be provided.
6. The design of the subdivision and improvements will not cause public health problems in that water and sanitary sewer services are provided to the site.
7. The design of the subdivision and improvements will not cause significant environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant environmental issues or concerns were identified through the environmental assessment prepared for the development.
8. 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 Negative Declaration (ND 12-821) 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 (10th) 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 refiling of the Tentative Subdivision Map and new processing of the map.
- G. Prior to submittal of any development permit (i.e.: plan check, building permit, grading permit) or within 30 days of the approval of Tentative Subdivision Map (TSM 470), whichever occurs first, the tentative map shall be submitted as a digital file and original mylar, along with the a mylar of this resolution as a title page. This title page shall include the statement "I (we), _____, the owner(s) or the owner's representative, have read, understand, and agree to the conditions of Resolution PC 12-4324". Immediately following this statement shall appear a signature block for the owner(s) or the owner's representative which shall be signed. Signature blocks for the Project Planner and Project Civil Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any grading plan, improvement plan or final map submittal.
- H. The Tentative Subdivision Map shall be revised prior to Final Map to show the following:
 - a. All utilities (such as fire hydrants, utility boxes, etc.) shall be identified on the map.
 - b. All property lines shall be accurate.

- c. Property lines or proposed retaining wall location between lots 1- and 22; 18 and 21; 19 and 20 shall be adjusted to eliminate the slope between the retaining wall and property lines.
 - d. Clearly identify the southern property line of Lot 22.
 - e. Remove easement note 6 reference on map or provide description.
 - f. Provide full legal description for 224-040-28, 224-040-29, 224-040-11.
 - g. Tentative Subdivision Map shall be signed by all owner/applicants.
- I. Prior to recordation of the Final Map, the following conditions shall be complied with:
- 1. The applicant shall enter into an Density Bonus Housing Agreement, to be approved by the City. The very-low income lots shall remain restricted and affordable to the designated income group for a period of at least thirty (30) years.
 - 2. The subdivider shall submit plans and specifications for improvement of all private streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer/Public Works Director. In addition, a signage and striping plan shall be included with the improvement plans utilizing CalTrans standards and acceptable to the City Engineer/Public Works Director.
 - 3. Improvement plans shall delineate street alignments and grades including the change of any existing or proposed street alignments and grades required by the City Engineer/Public Works Director and City's "Urban Street Design Criteria" in effect at the time of project approval.
 - 4. The subdivider of the property shall bear the expense of all on-site and offsite grading and construction of curb, gutter, sidewalk, paving, street lights, utility undergrounding or relocation, and drainage facilities, as required by the City Engineer/Public Works Director.
 - 5. Direct access rights to all lots abutting Borden Road and Calle Maria shall be relinquished to the City on the Final Map.
 - 6. Street "A" shall be designed with a forty (40) foot curb to curb width with parking on both sides. A five (5) foot wide sidewalk shall be designed on the east side of the street. All pavement sections shall be designed to ultimate structural section.

7. Street "B" shall be designed with a twenty-four (24) foot curb to curb width with no parking. All pavement sections shall be designed to ultimate structural section. "No Parking" signs or delineators shall be installed on both sides of the street.
8. Street "C" shall be designed with a thirty-two (32) foot curb to curb width with no parking on one side. All pavement sections shall be designed to ultimate structural section. "No Parking" signs or delineators shall be installed on one side of the street.
9. There shall be "No Parking" delineators within the cul-de-sac bulb (adjacent to Lots 12-14 and 19). "No Parking" delineators shall also be posted at the end of private Street "C" (between Lot 16 and Lot 17).
10. The improvement plans shall depict the locations of the dry utility facilities including the conduit.
11. Specifications and samples of the proposed permeable pavers shall be submitted to the City for review and approval of the City Engineer/Public Works Director, Planning Director and Storm Water Manager.
12. Permeable paver locations and construction details shall be shown on the improvement plans and shall be reviewed and approved by the City Engineer/Public Works Director, Planning Director, and Storm Water Manager. Permeable pavers shall extend to the public right of way (Borden Road) but not be allowed within the public right-of-way. The project entrance appearance shall be approved by the City Engineer/Public Works Director and Planning Director.
13. The subdivder shall comply with all applicable ADA requirements for Street "A", Street "B" and the Borden Road frontage.
14. A forty (40) foot wide "curb to curb" public utility, municipal access, and emergency access easement shall be granted to the City of San Marcos within Street "A". If required by the City Engineer/Public Works Director, additional easement area shall be granted in order to support dry or wet utility facilities. All easements shall be granted to the City and/or public utility agencies free and clear of all liens and encumbrances and without cost to the City free of environmental hazards, hazardous materials or hazardous wastes.
15. A twenty-four (24) foot wide "curb to curb" public utility, municipal access, and emergency access easement shall be granted to the City of San Marcos within Street "B". If required by the City Engineer/Public Works Director, additional easement area shall be granted in order to support dry or wet utility facilities. All easements shall be granted to the City and/or public utility agencies free and clear of all liens and encumbrances and without cost to the City free of environmental hazards, hazardous materials or hazardous wastes.

16. A thirty-two (32) foot wide "curb to curb" public utility, municipal access, and emergency access easement shall be granted to the City of San Marcos within Street "C". If required by the City Engineer/Public Works Director, additional easement area shall be granted in order to support dry or wet utility facilities. All easements shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and/or public utility agencies free of environmental hazards, hazardous materials or hazardous wastes.
17. A public access easement parallel to Borden Road shall be granted to the City of San Marcos to encumber the two proposed pedestrian ramps at Borden Road and Street "A."
18. Any proposed fencing within the public right of way requires an encroachment permit from the City of San Marcos.
19. The subdivider shall provide a design for the restriping of Borden Road along the project frontage, including transition off site. Said restriping shall include an eastbound left turn lane into Street "A". Said design shall be to the satisfaction of the City Engineer/Public Works Director.
20. An underground reinforced concrete storm drain system shall be designed within Street "A".
21. A storm drain system shall be designed within Borden Road which will extend from the project westerly to the existing storm drain system. Said design shall be to the satisfaction of the City Engineer/Public Works Director.
22. The exact alignment, width and design of all turning lanes, travel lanes, driveways, striping, and all other traffic control devices and measures, including turnouts, bike lanes, and width transitions, shall be approved by the City Engineer/Public Works Director.
23. The following street design requirements not specifically outlined in the City's "Urban Street Design Criteria" shall be met:
 - a. 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/Public Works Director.
24. The design of all private streets and/or drainage systems for this project shall be approved by the City Engineer/Public Works Director. The structural section of all private streets shall conform to City of San Marcos Standards based on R-value tests. All private streets and/or drainage systems shall be inspected by the City, and the standard plan check fees and inspection fees shall be paid and appropriate bonds

shall be posted with the City prior to approval of the Final Map for this project.

25. The exact depth of street structural section and subgrade requirement shall be determined based on subgrade "R" value tests and the appropriate Traffic Index for the type of street as described in the City's "Urban Street Design Criteria". All existing streets shall be "core tested" to determine the existing structural section and the extent of overlay or reconstruction necessary to achieve the required structural section described above. Tests shall be taken by a qualified engineer at locations approved by the Director of Public Works.
26. The subdivider shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer/Public Works Director or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, traffic signals, storm drain facilities, water quality BMP's, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "Approved" public improvements within a period to be specified in the Subdivision Improvement Agreement.
27. The subdivider shall enter into a Subdivision Improvement Agreement with the City to complete the public improvements and all required off-site transitions within 360 days from the issuance of grading permits, or satisfy the City Engineer/Public Works Director that said work is in a suitable stage toward completion by the deadline.
28. Proposed streets shown on the Tentative Map shall be given lettered designations, until such time as requested names are approved by the City's Street Naming Committee. The subdivider shall submit a "Primary" street name and two (2) alternate names for each street shown on the Tentative Map, following the procedure outlined for naming streets by the Engineering Division. Street name signs shall be installed by the subdivider as part of the subdivision improvements.
29. The Final Map shall indicate that all streets, drainage, street lights, street signage and striping improvements within the interior of this subdivision designated as private shall remain private and be maintained by the Homeowners Association, or such other provision for maintenance which may be subsequently approved by City Council.
30. The applicant/landowner shall establish Covenants, Conditions and Restrictions (C.C.&R.'s) for the proposed project to assure the continued maintenance and operation of all said common areas and improvements as follows:
 - a. The applicant/landowner and all persons, firms, or corporations owning the property subject of this subdivision at the time of the recording of the

Final Maps and their heirs, administrators, executors, successors and assignees, shall maintain and repair the common areas and improvements (ie. private streets, bioretention basins, street lights, drainage facilities, etc), parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), for benefit of the residents, and shall continue to operate, maintain and repair such common facilities and improvements, until such time as the maintenance of said facilities and improvements are assumed by some public agency or district approved by the City Council or by a Homeowners Association.

- b. The maintenance and operation of said common facilities, including private streets, bioretention facilities, drainage facilities, and improvements for common use and benefit of the residents shall be assured through establishment of a maintenance mechanism approved by the City Manager or through establishment of a Homeowners Association and CC&R's capable of maintaining and operating said common areas, facilities and improvements and providing for the participation by owners of all dwelling lots within said subdivision in the cost and maintenance and operation and the enforcement of such participation.
- c. The City Attorney, City Engineer/Public Works Director, and Planning Division Director, or their designees shall approve the wording of by-laws and articles of incorporation of the proposed homeowner's association in writing prior to the creation of said Homeowner's Association.
- d. Prior to the filing of the Final Map(s) of this subdivision, the subdivider shall grant to the City by separate document and at no cost to the City, an easement over all common areas. Such separate documents shall be worded in accordance with requirements of the City Attorney.
- e. The lot(s) designed for common use shall be delineated as part of the combined master common/landscape plan for the project. All plans for common areas/improvements shall be approved by the Development Services.
- f. At the time said Final Map(s) are recorded in the office of the County Recorder, there also shall be recorded a document signed by all persons, firms, and corporations having an interest in the property shown on said Final Maps and by the City of San Marcos. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos, shall provide for the enforcement of its terms by the City of San Marcos, and shall establish for the benefit of all property shown on said Final Maps. Said document shall provide that said restriction shall run with the land and bind all owners of the property shown on said final Maps and their successors for a period of 20 years from the date of recording the

restriction, after which time the restriction shall be automatically extended for successive periods of 20 years, unless an instrument signed by a majority of the then owners of the dwelling lots and by the City of San Marcos has been recorded agreeing to change the restriction in whole or in part.

- g. At the same time the Final Map(s) are recorded there shall also be recorded a document, signed by all persons, firms and corporations having an interest in the property shown on the Final Maps, whereby said persons, firms and corporations accept the terms and conditions of this Tentative Subdivision Map and agree with the City of San Marcos to comply therewith. Said document shall be in a form satisfactory to the City Attorney of the City of San Marcos.
 - h. Maintenance of common facilities, improvements and all other amenities on-site shall be the responsibility of the Homeowner's Association, if formed, and held in perpetuity. Maintenance of all common areas shall be provided for in the CC&R's.
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- 31. An LED street lighting system as approved by the City Engineer/Public Works Director shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer/Public Works Director.
 - 32. The subdivider shall make necessary arrangements with each of the serving utilities, including cable television, for the undergrounding of all utilities fronting, abutting, or within the property with the exception of sixty-nine (69) KVA or greater power lines within the site. Overhead power (less than 69 KVA) and other utility lines currently on 69 KVA transmission poles/towers shall be relocated underground along and within the subdivision boundary.
 - 33. Undergrounding of overhead utility line running parallel to the northerly property line will not be required if the lines are located north of the subdivision boundary line.
 - 34. The subdivider shall comply with all rules, regulations and design requirements of the respective sewer and water agencies regarding services to the project.
 - 35. 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. Said facilities shall be designed to be screened from view.
 - 36. The approval of this project does not guarantee that potable water and/or sewer capacity will be available for the project at the time of grading or building permit application.

37. All utility placement issues must be approved by the City of San Marcos Planning and Engineering Divisions.
38. The subdivider shall submit executed versions of separate petitions to annex into and establish, with respect to the property, the special taxes levied by the following Community Facilities Districts (CFD):
 - a. CFD 98-01, Improvement Area No. 1, Police Only
 - b. CFD 2001-01, Fire and Paramedic
 - c. CFD 98-02, Lighting and Landscape

No final map, development entitlement or grading 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. The subdivider shall comply with all rules, regulations, policies and practices established by State Law and/or by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.

39. The subdivider shall ensure that prospective purchasers sign an assessment disclosure statement fully explaining the fact they are in the City's Landscaping and Lighting District. The disclosure shall indicate what the projected assessments are anticipated to be, both in the near future and at ultimate subdivision build out.
40. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer/Public Works Director a certificate from each of the public utilities and each entity owning easements within the proposed subdivision stating that:
 - a. They have received a copy of the proposed Final Map from the subdivider.
 - b. They object or do not object to the filing of the Final Map without their signature.
 - d. In the case of a street dedication affected by their existing easement, they will sign a "Subordination Agreement" on the map when required by the Governing Board.
41. The Final Map shall show the gross and net acreage of all parcels created. This project has been approved in conformance with State Government Code Section 65915 et seq., and the developer has requested reduced lot sizes and reduced lot depth as a development standard waivers. Therefore, this project is not subject to minimum lot sizes of 10,000 square feet as required per the R-1 Zone. Tentative

Subdivision Map was approved with gross and net lot sizes that range from 4,667 square feet to 7,797 square feet.

42. The Final Map shall use the California Coordinate System of 1983 for its "Basis of Bearings" and show two (2) measured ties to Horizontal Control Monuments of said system as shown on City of San Marcos Record of Survey 13928.
43. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer/Public Works Director and Director of Planning prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the subdivider decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer/Public Works Director and the Director of Planning. Other conditions may be imposed by the City Engineer/Public Works Director and Director of Planning to allow out-of-phase construction.
44. Grading permits will not be issued prior to recordation of the Final Map.
45. At the discretion of the Fire Marshal, a digital disk shall be submitted containing the following information: street centerline, subdivision boundary, lot lines, street right of way, building footprints and fire hydrants. Said files shall be in an Autocad format acceptable to the City of San Marcos and shall be on the correct coordinate system.
46. Prior to release of any securities, a digital disk of all as-built drawings and maps is required on a CD. Said files shall be in an Autocad format acceptable to the City of San Marcos. Said drawings shall be on the correct coordinate system. PDF versions of all approved drawings and recorded documents shall be provided. In addition, electronic files of the project reports (i.e. soils report, drainage study, SWPPP, Water Quality calculations, structural calculations, title report and guarantee and etc.) shall be submitted on a CD. A Mylar of the map, after recordation is also required.
47. A detailed grading plan shall be submitted to the City's Engineering Division for review and approval. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. Results of this investigation and recommendations arising therefrom shall be submitted in the form of a report.
48. A geologic and soils study shall be conducted for the proposed project. Said study shall give recommendations for cut and fill slopes, compaction and suitability for step foundations on individual lots. Said study shall be prepared by a registered Civil and/or Geotechnical Engineer and approved by the City's Engineering and Building Divisions. Recommendations of the Civil and/or Geotechnical Engineer,

City Engineer/Public Works Director and Building Official shall be implemented at the time of development of any lot.

49. The subdivider shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
50. Slopes in excess of twenty (20) feet shall not be permitted by grading activities, except for public roadway construction, unless a variance is first approved by the City.
51. In those areas where grading variances are approved, increased development standards for landscape and special grading techniques shall be applied. Graded slopes shall be contoured to provide a smooth transition with existing slopes. All slopes shall be designed and graded in accordance with the City's Grading Ordinance, particularly with respect to terraces, drainage, access, erosion control and setbacks.
52. All permanent manufactured fill slope banks shall be constructed at a gradient no steeper than 2:1 (horizontal to vertical). The Civil and/or Geotechnical Engineer shall verify slope stability for any cut slope greater than 2:1; in no case shall the cut slope exceed 1.5:1. The City Engineer/Public Works Director will require support documentation from a licensed Civil and/or Geotechnical Engineer for graded cut slopes greater than 2:1.
53. The subdivider shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining walls on an approved grading plan. Street and drainage structure alignments, and retaining walls shall be designed to the satisfaction of the City Engineer/Public Works Director.
54. Line of sight easements, if necessary, shall be delineated on all grading plans as approved by the City Engineer/Public Works Director. Adequate sight distance for all intersections, driveways and access points shall be provided per latest edition of the California Department of Transportation (CalTrans) Highway Design manual and the American Association of State Highways and Transportation Officials (AASHTO) Geometric Design of Highways and Streets.
55. 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. 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.

56. A hydrology report (calculations) shall be prepared for the proposed project to determine the existing and future runoff flow after development for the 100-year storm conditions. Storm drains 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 project's 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 improvement requirements. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner and filed with the City of San Marcos. This report shall be subject to approval of the City Engineer/Public Works Director.
57. The subdivider shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer/Public Works Director for both on-site and off-site drainage. This may require the subdivider to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
58. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property prior to approval of any grading or building permit. The Hold Harmless Agreement shall be subject to approval by the City Attorney.
59. Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lot/s.
60. The developer shall submit to the City for review and approval, a Water Quality Improvement Plan ("WQIP") and Operation and Maintenance Plan. The WQTR shall be prepared by a registered civil engineer. The WQIP and O&M plan shall be prepared in accordance with the current adopted SUSMP, hydromodification, and SDRWQCB San Diego Municipal Stormwater permit requirements. The WQIP shall be prepared in conformance with the current City of San Marcos Stormwater Standards Manual. Said WQIP shall be to the satisfaction of the City Engineer/Public Works Director.
61. The WQIP shall identify affected receiving water bodies, applicable water-quality objectives (Regional Water Quality Control Board (RWQCB) and San Diego Association of Governments) and pollutants of concern, and estimates post-construction discharge rates (will all BMPs in place) and explains why the projected pollutant loads will not cause a violation of the water quality objectives. The structural treatment controls shall remove project pollutants anticipated to be

generated by the project and downstream impaired water bodies listed by the SWRCB 303(d) listing to the efficiency listed in the Approved City of San Marcos Stormwater Standards Manual.

62. The WQIP shall be prepared in conjunction with the grading plans. Prior to final approval of the grading plans, the grading plans shall be reviewed by the City for substantial conformance with the approved WQIP. Developer shall provide geotechnical confirmation for all infiltration BMPs or for not using infiltration BMPs. The WQIP and O&M Plan and the BMP sheet from the grading plans, when approved, shall be recorded with the County Recorder and proof of the recordation shall be provided to the City.
63. The applicant/developer shall submit to the City for review and approval a single sheet project plan that includes all structural treatment BMPs and LID requirements in accordance to the City's latest Storm Water Standards Manual requirements and the latest NPDES Permit. Said plan shall be a separate sheet incorporated into the grading plan set. Each structural treatment control BMP shall have the following information listed on the sheet:
 - a. Latitude and Longitude
 - b. Maintenance Requirements
 - c. Assessor Parcel Number location for each BMP
 - d. Type of BMP per CASQA classification
 - e. Pollutants removed by each BMP and Efficiency
 - f. Anticipated Project Generated Pollutants
 - g. Downstream Impaired Water Body Pollutants
 - h. Model number, manufacturer, manufacturer phone number, treatment flow, retention times for each BMP
 - i. Area of project treatment for each BMP

The project landscape architect shall sign this plan certifying the BMP's have been incorporated into the landscape plans. A unique BMP ID number, which will be assigned by the City, shall be shown on the plan.

64. All permanent BMP's per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer of work stating the proposed landscape design complies with the requirements of the Water Quality Improvement Plan and/or Storm Water Standards Manual.
65. The final design of the two proposed bioretention basins along Borden Road (including landscaping and any proposed fencing) shall be reviewed and approved by the City Engineer/Public Works Director and the Planning Division Director. Bioretention basins with slopes steeper than 3:1 or where the maximum designed water depth is greater than three feet shall be fenced to control access. The proposed basins shall be designed to provide an enhanced

landscape appearance along Borden Road. The headwall, spillways, and risers shall incorporate decorative solutions to soften their manmade appearance. Said design shall be incorporated into the project landscape plans.

66. The subdivider applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.
67. The subdivider shall submit for City review and approval for the implementation of a Storm Water Pollution Prevention Plan (SWPPP) to manage storm water and non-storm water discharges from the site at all times. The SWPPP shall describe all BMPs to be implemented year round. Specific Best Management Practice (BMP) implementation may be dependent upon wet or dry season operations. The SWPPP shall also emphasize that erosion prevention is the most important measure for keeping sediment on site during construction. The SWPPP shall be prepared by a registered civil engineer and shall comply with the latest NPDES permit.
68. Prior to the issuance of a grading permit, the developer shall submit proof of coverage under the State Water Resources Control Board General Construction Permit. The Waste Discharge ID number (WDID #) shall be identified on the Title sheet to the Project plans, the grading plans, and the erosion control plans. Coverage under the SWRCB General Construction Permit shall be maintained until the developer has submitted the Notice of Termination (NOT) to the San Diego Regional Water Quality Control Board and received approval of the NOT from the SDRWQCB. The developer shall notify the City Stormwater Program Manager 45 days in advance of submitting the NOT to the SDRWQCB. All required structural treatment controls identified in the approved WQIP shall be installed prior to the submittal of the NOT to the SDRWQCB. A copy of the NOT shall be submitted to the City.
69. The subdivider shall submit, for City review and approval, a mechanism which will ensure on-going long-term maintenance of all construction BMP's. Said mechanism shall address maintenance of the BMP's if project delays or abandonment occurs.
70. All construction and grading related BMPs shall be shown in detail on the construction plans submitted to the City for review and approval.
71. The subdivider shall submit a schedule to the City for review and approval, with proposed dates, demonstrating the minimization of grading during the wet season and coinciding the grading with dry weather periods, permanent re-vegetation and landscaping as early as feasible, temporary stabilization and reseedling of disturbed soil areas as early as feasible.
72. The subdivider shall submit to the City for review and approval, a report that

identifies affected receiving water bodies, applicable water-quality objectives (Regional Water Quality Control Board (RWQCB) and San Diego Association of Governments) and pollutants of concern, and estimates post-construction discharge rates (with all BMPs in place) and explains why the projected pollutant loads will not cause a violation of the water quality objectives.

73. The subdivider shall submit to the City for review and approval a plan that includes a combination of BMPs in accordance to the City's latest Storm Water Standards Manual requirements and latest NPDES Permit. The project landscape architect shall sign this plan certifying the BMP's have been incorporated into the landscape plans. A unique BMP ID number, which will be assigned by the City, shall be shown on the plan. Said plan shall be a separate sheet incorporated into the grading plan set.
74. An exhibit shall be submitted delineating all HOA and maintained areas to be agreed upon by the City.
75. The applicant shall obtain a demolition permit from Building Division prior to demolition of the existing single-family residences on site. A certified asbestos consultant shall inspect the site to identify the type and location, if any, of Asbestos Containing Construction Materials in the building, and make recommendations as to the proper removal of asbestos materials prior to demolition of the building.
76. The applicant/developer shall submit a detailed fencing and wall plan to the Planning Division for review and approval. The fencing plan shall include provisions for decorative perimeter fencing. Privacy fences shall be provided along side yards, with final design and materials of all walls/fences to be approved by the Planning Division. The fencing/retaining wall plan shall identify a solid block/fence wall located along the perimeter of the subdivision with a decorative design that will be integrated into the proposed retaining walls of Lots 1-4; 5-12; 17 & 22; and along Street "B". It is acceptable to use a combination of the retaining wall and wood fencing to achieve fence height, except along Street B, which shall incorporate a tubular steel design. Fencing around the proposed bioretention basins if warranted shall be tubular steel. Design of wooden fencing shall be decorative and incorporate a cap at the top of the fence; wooden fencing that incorporates a 'dog ear' design is not permitted.
77. Improvement plans shall include Jones 3775 fire hydrant(s) at location(s) specified by the Fire Marshal.
78. All retaining walls shall be clearly represented on the grading plans. All retaining walls shall be constructed of decorative earth tone keystone block walls, split faced textured concrete block or comparable as approved by the Planning Division Director and City Engineer/Public Works Director and shall be the same material as the block wall located on the western subdivision boundary. Landscaping shall be

installed where deemed appropriate by the Planning Division Director to soften appearance of high walls. If a retaining wall is proposed adjacent to a sidewalk, there shall be enough space to allow planting of a clinging vine and irrigation to accommodate vegetation as a graffiti deterrent. Structural design of said walls shall be approved by the City Engineer/Public Works Director.

79. An exhibit demonstrating a sufficient turning radius for all side entry garages shall be prepared utilizing a standard template for approval by the City Engineer/Public Works Director. All residential lots shall include sufficient driveway turn around space to the satisfaction of the City Engineer/Public Works Director.
80. No obstructions shall be installed in the sidewalk areas.
81. The Subdivider shall show adequate maintenance access to the HOA slope areas and improvements.
82. 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 15th to August 31st. 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 and City approval shall be obtained prior to any disturbance or impact of the site.
83. Prior to issuance of a grading permit, the applicant shall submit architectural elevations with three elevations, floor, and roof plans to the Planning Division for review and approval. Architectural enhancements are to include but not limited to the following: varied floor plans, popouts and wall projections, features such as stone, brick, wood, shutters, corbel wood rafters, window sills, trims. Front, side and rear elevations of the proposed residences visible from Borden Road shall have architectural treatment providing articulated walls and windows, varied roof profiles and variation in building elevations to break up the massing of the homes, and shall be architecturally compatible with each other and the surrounding neighborhood, subject to approval of the Planning Division Director. The applicant/developer shall provide a materials board to the Planning Division at the time of submittal of the architectural plans.

84. The applicant/developer shall provide a plotting of proposed houses on the precise grading plan and shall submit the proposed architectural elevations to the Planning Division for review and approval. Structures shall comply with all minimum setbacks as approved. There shall be a combination of front entry and side entry garage house plans throughout the development.
- J. Prior to the issuance of any building permit, the following conditions shall be complied with:
1. The final map shall be approved and recorded.
 2. The architectural elevations shall be approved by the Planning Division prior to the submittal of building permits.
 3. The house plans for the very-low income lots shall be the same floor plan, elevations, and interior amenities as the rest of the subdivision. The location of the affordable lots shall be approved by the City of San Marcos. The very low income homes shall be constructed concurrently with the market rate homes and shall not be situated next to each other.
 4. The new residences shall be architecturally compatible with each other, and the surrounding neighborhood. Front, side, and rear elevations of the proposed residences that are visible from public roads shall have enhanced architectural features. Elevations shall have varied wall planes and roof lines.
 5. The minimum front yard setback for straight entry garages (measured from the back of the sidewalk (or back of curb if applicable) shall be twenty (20) feet; and fifteen (15) feet (measured from the back of the sidewalk (or back of curb if applicable) for any habitable structure.
 6. Compliance with special setback of eighty-six (86) feet from center line of Borden Road to any structure.
 7. There shall be no ground level encroachment (including eaves, cornices, or fireplaces) within the five (5) yard side yard setback.
 8. All garages shall be constructed with roll-up doors with architectural details (panels & trim) that compliment that particular architectural style.
 9. The applicant/developer shall pay an affordable housing in-lieu fee for two lots (15% of the target units) in accordance with the executed Inclusionary Housing Agreement dated August 29, 2008 between the developer (Klinek) and the City.

10. The Engineer-of-Work shall certify that all grading and construction of grading related improvements (erosion control, storm drains, etc.) have been in substantial conformance with the approved plans, reports, and standards.
11. All grading shall be supervised by a Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer/Public Works Director certifying that the work has been performed in compliance with the recommendations, contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
12. The subdivider shall provide the City Engineer/Public Works Director a copy of the State Water Resources Control Board permit issued for the project under the NPDES General Permit.
13. The applicant/developer for the proposed development, redevelopment or discretionary use is required to pay Public Facilities Fees as established by the latest adopted Public Facilities Fee. The fee is based on the proposed land use and shall be paid prior to the issuance of the first permit for the development.
14. The base lift of asphalt on all roads serving the area under construction shall be completed.
15. All on site lighting systems shall be LED and approved by the City of San Marcos.
16. The proposed development shall comply with Federal Law, Americans with Disabilities Act ("ADA-90"), and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
17. 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 whatever the features are standard, limited, optional or not available, and the point of construction by which they must be requested.
18. Buildings and structures shall be designed to conform to the latest standards adopted by the State of California in the California Building Code, Part 2, Title 24, and California Code of Regulations.
19. Building plans and instruments of service shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.

20. 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.
21. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten crime prevention measures are as follows:
 - a. Exterior doorjambes shall be installed with solid materials, i.e. full trimmers and king studs, for 6 inches away from the strike edge of the door. This prevents prying and jamb spreading, affording easy access.
 - b. Door stops on wooden jambs shall be one-piece construction or substantially fastened to the jamb to prevent easy access to the locking device.
 - c. Strike plates for deadbolts on wood framed door jambs shall be 16 gauge steel or equal, attached with two screws penetrating two inches into solid backing. Door guards, or armored plates, attached to the door with four 2-inch to 4-inch screws add protection against destruction of the wood around the deadbolt.
 - d. Louvered windows are to be avoided, unless 12 feet above ground level and 6 feet horizontally from an accessible surface, i.e. balcony, landing or stair tread.
 - e. Locking hardware for garage doors shall be mounted on 2 inch solid backing or frame members. Carriage bolts or equal are required to prevent removal of the hardware.
 - f. Garage doors exceeding 14 feet in width shall have two locking devices.
 - g. All exterior doors, including doors from the garage to the side yard, shall be 1 ¾ inch solid wood or solid core construction.
 - h. All glass within 40 inches of any door lock shall be laminated safety glass or burglary resistant glass.
 - i. Solid wood doors shall have a wide angle 180-degree peephole.
 - j. Street addresses shall be prominently displayed on the curb face in a direct line with the front door and on the building wall closest to the street.
22. 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. 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.

23. The proposed new development is subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
24. 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.
25. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges shall be paid to the District prior to permit issuance. The subdivider shall also pay water and sewer mitigation fees for the increased density per Vallecitos Water District Ordinance No. 164.
26. All submitted petitions to annex into the Community Facilities Districts shall be finalized. The applicant/property owner shall comply with all rules, regulations, policies, and practices established by the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners or residents.
27. A phasing plan shall be submitted to Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.
28. The design shall comply with the storm water management requirements adopted by the City of San Marcos. The proposed new development shall incorporate pollution prevention, source identification and monitoring measures to insure compliance with the City's Waste Discharge Requirements of Urban Runoff.
29. Residential structures shall comply with the California Building Code regarding interior noise levels for single-family residential dwelling units.
30. An automatic fire extinguishing system is required for every single family residence in the subdivision, in accordance with the latest adopted California Building Code and San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the National Fire Protection Association standards and be fire sprinklered as determined by the Fire Department.

31. Prior to installation of the approved landscaping materials, 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.
 32. Landscaping of all slopes shall be completed per the approved landscape plans prior to issuance of building permit. All landscaping shall be inspected and approved by the Planning Division. The applicant/developer shall be responsible to contact the Planning Division for inspection.
 33. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment.
- K. During the construction phase, the following conditions shall be complied with:
1. The subdivider shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
 2. The subdivider shall submit a traffic control plan for all phases of construction for approval by the Director of Public Works. Said plan shall include all traffic control devices including traffic signals as required.
 3. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
 4. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
 5. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
 6. During grading and construction operations, the subdivider 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/Public Works Director.

7. The subdivider shall ensure that the grading and other construction activities meet the provisions specified in the latest NPDES Permit and General Construction Permit.
8. The subdivider shall provide evidence of existing coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated With Construction Activities at all times.
9. The subdivider shall utilize sediment controls only as a supplement to erosion prevention for keeping sediment on-site during construction – NEVER as a single or primary method.
10. The subdivider shall clear and grade only the areas on the project site that are necessary for construction. These areas shall be clearly denoted on the plans in the SWPPP.
11. The subdivider shall construct desiltation/detention basins and erosion control devices of a type and size and at locations as approved by the City Engineer/Public Works Director. Devices shall be installed and maintained by the Home Owner's Association in working condition during the rainy season (October 1 through May 1). Each such basin shall be provided with an all-weather access/maintenance road.
12. The subdivider shall minimize exposure time of disturbed soil areas.
13. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer/Public Works Director and/or the Director of Public Works.
14. 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 as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
15. 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. Water well permits are issued by San Diego County Health Department.

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. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations.
 18. The applicant/builder/contractor 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. 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. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
- L. Prior to occupancy of any structure on the site, the following conditions shall be complied with:
1. All improvements shown on the improvement plans, as approved by the City Engineer/Public Works Director for each phase of development, shall be constructed prior to release of any improvement securities and as specified in the Subdivision Improvement Agreement for this project.
 2. All improvements as shown on the improvement plans shall be constructed to the satisfaction of the City Engineer/Public Works Director.
 3. All utilities fronting, abutting or within the project shall be undergrounded with the exception of sixty-nine (69) KVA or greater power lines. Undergrounding shall take place prior to surfacing of streets.
 4. The subdivider shall pay for and install all street name signs and traffic control devices fronting and within the project. The developer shall also post "No Parking" signs. All traffic control devices will be placed according to a plan prepared by the applicant/developer and approved by the City Engineer/Public Works Director and the Director of Public Works.

5. The subdivider shall pay for and install all street name signs and traffic control devices fronting and within the project. All traffic control devices will be placed according to a plan prepared by the subdivider and approved by the City Engineer/Public Works Director and the Director of Public Works.
6. "As-Built" reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer/Public Works Director. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.
7. The subdivider shall post a security with the City in an amount approved by the City Engineer/Public Works Director for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.
8. The subdivider shall submit for City review and approval, plans showing source control BMPs in place and a certified letter noting the implementation plans for said BMPs.
9. All water quality BMP's shall be inspected and approved by the Public Works Director, City Engineer/Public Works Director, and Planning Director.
10. The City assigned BMP ID number of all water quality BMP's shall be shown on the installed BMP. Said ID number may be delineated with a stencil or sign to the satisfaction of the Public Works Director.
11. The subdivider shall stabilize all slopes per a City approved method.
12. The subdivider shall ensure that the grading and other construction activities meet the provisions specified in the California RWQCB, San Diego Region, Order 2001-01, NPDES No. CAS0108758 – Section D.2.
13. The subdivider shall provide evidence of existing coverage under the State of California's statewide General NPDES Permit for Storm Water Discharges Associated With Construction Activities at all times.
14. The subdivider shall be required to provide setback verification for all residential structures.
15. The proposed project shall comply with State Government Code Section 65915 et. al, by providing two on-site lots for very-low income households
16. All landscaping shall be installed in accordance with approved plans.

17. The applicant shall submit a letter(s) by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Improvement Plan, respectively.
 18. Minimum one (1) street tree shall be installed within the front yard, outside of the City right-of-way, of each new residence. Each street tree shall be a minimum size of 15 gallons, and comply with the minimum height and spread standards in accordance with City Council Resolution 2001-5747.
 19. The applicant/developer shall record an overflight notification document to disclose the subject site is presently located within the McClellan-Palomar Airport Influence Area, which may subject the resident the some of the annoyances or inconveniences associated with the proximity to the airport operations. Final wording of the disclosure shall be approved by the City Attorney.
 20. The seller shall provide the homebuyer with an owner's manual for the fire sprinkler system. The manual shall describe the maintenance and service schedule recommended by the fire protection engineer that designed the sprinkler system.
 21. The subdivider shall coordinate with the property owners of APNs 224-072-06, 224-072-05, 224-072-04, 224-072-02 to install a (24) inch box or (36) inch box evergreen species tree (size contingent on the species) in the rear yards of each property identified above or provide said property owners an in-lieu fee of \$1,000 per property to satisfy this condition. Tree species shall be approved by the Planning Division and the subdivider shall provide substantiation to the Planning Division this condition has been met.
- M. The alignment and terminal point of storm drains shown on the tentative map shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer/Public Works Director.
- N. 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.
- O. The applicant/developer shall incorporate all mitigation measures as specified in Mitigated Negative Declaration 09-785.
- P. The Homeowner's Association shall provide written notification to the City when maintenance responsibilities for water quality BMPs are assumed from the Developer.

- Q. The applicant shall be responsible for compliance with all relevant portions of the City of San Marcos Municipal Code.
- R. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 3rd day of December 2012, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Dean Nelson, Chairperson
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION