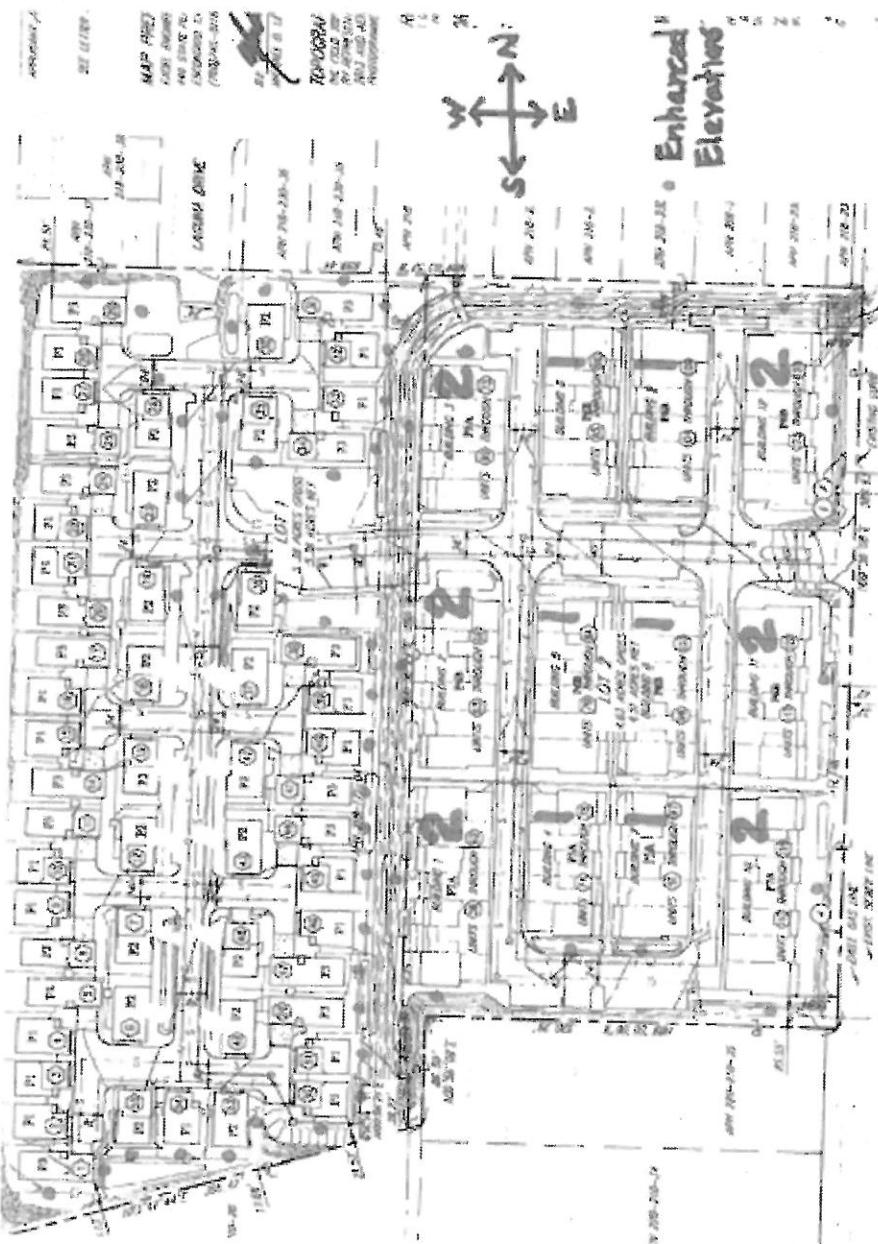


Attachment A

Required Enhanced elevations per conditions. [D.1. on page 4 above](#)



- 1 identifies location of Santa Barbara townhouse
- 2 identifies location of Ranch Hacienda townhouse

AGENDA ITEM
2

RESOLUTION PC 14-4415

A RESOLUTION OF THE SAN MARCOS CITY PLANNING COMMISSION
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A TENTATIVE
SUBDIVISION MAP FOR 126 CONDOMINIUM UNITS ON 2 LOTS IN THE
PROPOSED SPECIFIC PLAN AREA ZONE AND DISTRICT

Case No.: TSM 13-003
DR Horton (Mulberry Specific Plan)

WHEREAS, on October 13, 2013 an application was received from DR Horton requesting a Tentative Subdivision map for the development of 126 dwelling units consisting of 55 detached and 71 attached residential units on 10.01 acres located on the west side of Mulberry Drive and south of Borden Road, more particularly described as:

THOSE PORTIONS OF LOTS 8 AND 9 IN BLOCK 53 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

APN: 218-171-04

WHEREAS, the Development Services department did study and recommend approval of said request; and

WHEREAS, there were Public Workshops conducted on February 26, 2014 and March 26, 2014 and subsequent meetings between residents, the applicant, and staff on May 12th and May 27th; and

WHEREAS, the required public hearing held on May 19, 2014 was duly advertised postponed due to the Cocos Fire incident until June 2, 2014 and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did recommend certification to the City Council of Mitigated Negative Declaration (ND 14-002) with a Mitigation Monitoring and Reporting Program pursuant to CEQA;

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

1. Said Tentative Map with the conditions of approval complies with the proposed zoning in that the proposed development is approved per the design standards established under the Mulberry Specific Plan.
2. The site is physically suitable for this type of subdivision with the conditions of approval in that the site can accommodate the proposed residential lots and maintain acceptable grades, setbacks, access and private open space provisions.
3. The proposed residential uses on the project site will be developed under a Specific plan, which will detail the acceptable residential density on the project site and address the

compatibility with adjacent land uses.

4. The project includes a mix of 55 detached and 71 attached residential product types that would be compatible with existing development within the area.
5. The design of this condominium project and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site. Site access will provide internal circulation for emergency vehicles and adequate on-site guest parking shall be constructed and regulated through a Parking Management Plan.
6. The design of the subdivision and the proposed improvements will not cause significant environmental damage or substantially injure fish or wildlife or other habitat in that the infill project site does not support any sensitive habitat plant or animal species regulated by resource agencies.
7. The proposed Tentative Subdivision map with the conditions of approval will not be detrimental to the public health, safety and welfare in that adequate public facilities and infrastructure including emergency access, 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. Said Tentative Subdivision Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision map Act.
- C. Mitigated Negative Declaration (ND 14-002) with a Mitigation Monitoring and Reporting Program is hereby recommended for certification to the City Council.
- D. Said 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. Said Tentative Subdivision map is hereby approved for 126 condominium units and two lots.
- F. The approval of this Tentative Map expires within 24 months from the date of the adoption of the Resolution of conditional approval. The Final Map conforming to this conditionally approved Tentative 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 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 180 days of the approval of the tentative map, whichever occurs first, the revised tentative map, landscaping plan, architectural elevations, etc. shall be submitted as original mylars along with 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 the City Council approving TSM 13-003." 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 City's Planner and 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. General Provisions:

1. Developer/Applicant 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. This project is required to apply for a grading permit compliant with SMMC 17.32. The plans submitted for the grading activities shall conform to applicable code and applicable engineering handouts.
3. This project is required to apply for a public improvement permit compliant with SMMC 14.16. All plans submitted for public improvements shall conform to applicable code and engineering handouts, unless explicitly superseded by the conditions contain herein.
4. Developer/Applicant 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 the projects' planning, engineering, construction or architecture for the project.
5. The alignment and terminal point of storm drains and roadways shown on any tentative map, site plan, or other exhibit approved as a part of this project shall not be considered final. These drains shall be subject to precise design considerations and approval by the City Engineer.
6. This project shall be responsible for full compliance with the latest adopted Standard Urban Stormwater Management Plan (SUSMP), latest adopted stormwater quality permit, General Construction Permit and conditions the conditions contained herein. Changes to the project that affect the projects SUSMP or Risk Level designation shall require approval of the City Engineer and may be subject to further conditions at the time of approval.
7. This Project shall be required to annex into the City's Community Facilities District(s) No. 98-01 (Police), 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance), 2001-01 (Fire and Paramedic), and 2011-01 (Congestion Management). If applicable, this project shall also be required to form a Special Improvement Area zone within Community Facilities District No. 98-02.
8. 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/Developers responsibility to determine all agencies with rights of approval for the proposed development.
9. Prior to release of any securities, a digital copy of all as-built drawings, maps, Landscape Plans, reports, and supporting documentation (e.g. hydrology report, drainage report, geotechnical evaluations, structural reports, etc.) shall be required. All drawings and maps shall be in a Computer Aided Design file as specified by the City Engineer and shall be on the correct coordinate system. All reports and supporting documentation shall be in the form of a multi-page Tagged Image File Format (TIFF). Digital copies of documents shall not be taken in-lieu of paper copies unless approved by the City Engineer and Planning

Division Director.

10. Prior to the release of any securities "As-Built" reproducible grading and improvement plans shall be submitted and approved by the Public Works Director and the City Engineer. "As-Built" plans shall reflect minor field changes and approved construction changes in accordance with the City's "As-Built" policy. The plan set shall also include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the individual utilities plan sheets.

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

1. Applicant/developer shall comply with the Fire Protection Plan – Short Form as approved by the Fire Marshall. Developer/Applicant shall provide for a fuel-management easement on adjacent properties if deemed necessary by the Fire Marshal. All easements shall be reviewed and approved by the City Engineer and Fire Marshal prior to the recordation of said easement.
2. Drainage easement, public access, municipal, emergency access, and any other required easements for the function of the project shall be provided for on the subdivision map. The layout and sizing of the publicly offered easements shall be approved by the City Engineer.
3. Any drainage or easement provided shall be of sufficient width as to be consistent with the guidelines provided in the County of San Diego Drainage Design Manual. Where easement widths shown on the tentative map differ from those required by the County of San Diego Drainage Design Manual the larger width shall be provided.
4. Developer/applicant shall provide a private access easement across Lot 2 to the benefit of Lot 1 providing private access rights on the Final Map or shall demonstrate reciprocal access rights via recorded documentation.
5. Direct access rights to all lots abutting Mulberry Drive shall be relinquished to the City on the Subdivision map, except where the project takes its main entrance access.
6. The applicant/developer shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certificate from each of the public utilities and each entity owning easements within the proposed subdivision stating that:
 - a. They have received a copy of the proposed Subdivision map from the applicant/developer.
 - b. They object or do not object to the filing of the Subdivision map without their signature.
 - c. In the case of a street dedication affected by their existing easement, they will sign a "Subordination Agreement" on the map when required by the Governing Board.
7. The Subdivision map shall show the gross and net acreage of all parcels created.
8. The 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.
9. The Subdivision 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 a Individual Homeowners Association/Master Homeowners Association, or such other provision for maintenance which may be subsequently approved by City Council.

J. Prior to Grading Permit the following conditions shall be complied with:

1. The project applicant may be required to pay for any needed specialized plan check review. The project applicant may be required to cover the full costs of independent technical and other types of peer review. Such action will be at the discretion of the City Engineer.
2. Drainage easement, public access, municipal, emergency, and any other required easement for the function of the private and public improvements shall be in place.
3. The project will need to design a vehicular access to the bottom of the storm drain outfall depicted on the site plan either via roadway and easement access from Mission Road or a drivable pathway from the linear park on the site. Final design of such access shall be to the satisfaction of the Deputy Public Works Director and City Engineer.
4. The owner of the subject property shall execute a "Hold Harmless" Agreement with the City of San Marcos regarding drainage across the adjacent property.
5. The applicant/developer shall be responsible for mitigating impacts created by changes in drainage runoff course, concentration, or quantity to the satisfaction of the City Engineer for both on-site and off-site drainage. This may require the applicant/developer to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
6. A final hydrology report (calculations) shall be prepared for the proposed project modifying the preliminary report to reflect the final design as shown on all improvement or grading plans.
7. All on-site drainage shall be conveyed into a public storm water conveyance system through on-site private drains and routed in a manner to not disturb any public improvements. These facilities shall be constructed in accordance with City standards and privately maintained.
8. The design of all private streets and drainage systems for this project shall be approved by the City Engineer. The structural section of all private streets shall conform to City of San Marcos Standards based on R-value tests. All private streets and 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 issuance of any grading permit for this project.
9. The applicant/developer shall secure letters of permission from adjacent property owners for all graded slopes crossing property lines. In lieu of such permission, grading plans shall conform to the required grading setbacks as provided in the City's Grading Ordinance.
10. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete the Mulberry Drive and Laguna Drive road improvements on-site and all required off-site transitions within a specified amount of time as stated within the Subdivision Improvement Agreement, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
11. The applicant/developer shall post securities to the City of San Marcos, in amounts approved by the City Attorney and the City Engineer or their designees, for the construction of all public and private improvements including but not limited to the following: grading and erosion control, street improvements, traffic signals, storm drain facilities, water quality BMP's, landscaping, and off-site street repair. Said security shall be in a form acceptable to the City and shall remain in force until completion of the project and final approval by the City. Said security shall insure the construction of the "Approved" improvements within a period to be specified in the executed Subdivision

Improvement Agreement.

12. 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 and Building Official shall be implemented at the time of development of any lot.
13. The developer/applicant 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 Only)
 - b. CFD 98-02 – Lighting, Landscaping, Open Space and Preserve Maintenance
 - c. CFD 2001-01 – Fire and Paramedic
 - d. CFD 2011-01 – Congestion ManagementAdditionally, a special Improvement area shall be formed if required with respect to CFD 98-02 for the ongoing maintenance services provided by the city for improvements being installed above and beyond the City standards, installed by the developer as shown on the a Special Improvement Area Exhibit approved by the City. 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/applicant] may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The [applicant/developer] shall be responsible for compliance with all rules, regulations, policies and practices established by State Law and/or the City with respect to the Community Facilities Districts including, without limitation, requirements for notice and disclosure to future owners and/or residents.
14. Developer shall submit an executed Storm Water Maintenance Agreement for the purposes of ensuring the ongoing maintenance of on-site Best Management Practices (BMP's). The Storm Water Maintenance Agreement shall be in a form acceptable to the Stormwater Program Manager.
15. Water Quality Improvement Plans (WQIP's) shall be prepared and attached to the grading plans. WQIP sheets shall depict and summarize all applicable water quality information to the satisfaction of the Stormwater Program Manager.
16. Erosion control and/or sediment control details shall be shown on the grading plans. The details shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City's Engineering and Planning Divisions. The applicant/developer shall delineate all streets, drainage channels, drainage easements, culverts, drainage structures, and retaining/crib walls on an approved grading plan. Street and drainage structure alignments, and retaining/crib walls shall be designed to the satisfaction of the City Engineer.
17. The developer shall make reasonable effort to the satisfaction of the City Engineer to address the existing storm drain out fall on the adjacent property (APN 218-310-14-00). The outfall shall be designed to tie into the proposed storm network and eliminate the discharging of that water onto the slope behind the project.
18. Where needed for the "Paseo" areas shown above the proposed drainage facilites shall be designed as to provide a drivable surface sufficient to support a City vector truck. The design shall also provide sufficient space to allow the vehicle to turn around or back up safely along the path of travel.

19. Drainage facilities will be designed so that no Cast-in-Place pipe is constructed within the public Right-of-Way.
- K. Prior to the issuance of any Improvement Permit, the following conditions shall be complied with.
 1. All necessary public right-of-way and easements shall be granted to the City.
 2. The applicant/developer shall submit plans and specifications for improvement of all streets, rights-of-way (landscaping/irrigation) and drainage facilities to the City of San Marcos ("City") Engineering Division for approval. Plans shall include all off-site improvements as specified by the City Engineer. In addition, a signage and striping plan shall be included with the improvement plans utilizing CalTrans standards and acceptable to the City Engineer.
 3. All proposed work on Mulberry Drive shall be designed compliant with the City's standards.
 4. 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 sight distance easements to avoid reconstruction or modification of same.
 5. The applicant/developer 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 the subdivision boundary.
 6. All utilities fronting, abutting or within the project shall be undergrounded. All utility undergrounding must be completed prior to the surfacing of the streets. Undergrounding must accommodate the undergrounding of all pad mounted and pedestal equipment consistent with General Plan Goal LU 17.3. Where the undergrounding of such equipment is not possible due to safety or lack of standards for such undergrounding, the developer/applicant shall provide an underground vault, in-building vault room, architecturally integrated screen wall around equipment, or other option approved by the planning division director. The developer/applicant shall be responsible for acquiring all associated easements required by the utility companies for such work.
 7. The applicant/developer shall pay an in-lieu fee (applicable to frontage only), for the design a fiber optic traffic signal interconnects system linking all traffic signals between Mission Road and Borden Road along Mulberry Drive. Such in-lieu fee shall be based on the projects frontage.
 8. Bicycle parking facilities located within the public Right-of-Way shall be called out and specified in the improvement plans. The locations of the bicycle parking facilities and access paths and locations shall be consistent with the approved site plan.
 9. A light emitting diode street lighting system shall be shown on the street improvement plans and shall be installed at locations specified by the City Engineer at no cost to the public. All installations shall be compliant with the City's Street Lighting Standards.
 10. The applicant/developer shall pay all applicable fees and deposit with the City a sum of money sufficient to energize, operate and maintain the public street landscaping (medians and parkways) and lighting system for a period of eighteen (18) months.

11. Improvement plans shall show all existing and proposed drainage facilities including surface and subsurface construction. All drainage channels shall be lined with a suitable material as approved by the City Engineer. All required drainage easements shall be monumented along the boundaries as approved by the City Engineer. Access easements shall be provided where necessary and shall be improved, fenced and aligned to the satisfaction of the City Engineer and/or the Director of Public Works.
12. The exact alignment, width and design of all median islands, 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.
13. Prior to issuance of a building permit, The applicant/developer shall comply with the City's Inclusionary Housing Ordinance. Fifteen percent (15%) of the total housing units shall be reserved for target households or as determined by the City Manager. If affordable housing units are built on site the developer must enter into a regulatory agreement for affordable housing. If the applicant decides to pay the in lieu fees, their obligation shall be \$9,300 per unit for all 126 dwelling units.

L. Prior to the acceptance of public improvements, the following conditions shall be complied with:

1. An as-built hydrology report shall be submitted reflecting any changes to the drainage design as a result of field or construction changes that have occurred.
2. The base lift of asphalt on all roads serving the area under construction shall be completed. Any adjacent existing improvements damaged as a result of construction activities shall be restored to a serviceable condition as directed by the City Engineer or his duly authorized representative.
3. The applicant/developer 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 and the Director of Public Works.
4. The applicant/developer shall post a security with the City in an amount approved by the City Engineer for the warranty of all dedicated public improvements for a one (1) year period from the time of acceptance by the Director of Public Works.

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

1. A phasing plan shall be submitted and approved by the City Engineer and Director of Planning. The phasing plan may be subject to further conditions as described in this resolution. Should the developer/applicant choose to develop phases out of numerical sequence with the approved phasing plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Director of Planning. Other conditions may be imposed by the City Engineer and Director of Planning to allow out-of-phase construction not specified by this resolution.
2. Developer/applicant shall demonstrate to the Fire Marshall that they have complied with all requirements set forth in the Fire protection Plan - Short Form.
3. Building plans shall show all property lines as mapped and include precise grading showing horizontal control on all structures with a minimum of 4 ties to property lines along 3 or more faces of the building.
4. All private concrete terrace drains shall be maintained by the homeowner's association

(if on commonly owned property) or the individual property owner (if on an individually owned lot). An appropriately worded statement clearly identifying the responsibility shall be placed in the CC&R's and on any appropriate plans and maps.

5. 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. Such certification shall be in the form of a signed and stamped letter from the Engineer-of-Work.
6. All grading shall be supervised by a Civil and/or Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically mentioned in the initial report of subsurface conditions.
7. This project is subject to payment of the public facilities fee established by San Marcos Ordinance No. 99-5197 and Resolution 99-5797. The amount of the fee shall be determined based upon the fees in effect at the time of issuance for each building permit for construction within this project.
8. 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

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

1. The applicant/developer 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.
2. The applicant/developer shall retain a professional registered Civil and/or Geotechnical Engineer (Engineer-of-Work) to oversee the grading and construction activities as specified in Section 6703.1 of the Professional Engineer Act.
3. 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 as observed by the City of San Marcos or as allowed by City Manager.
4. Hauling of earth over residential streets of developed areas shall be avoided. Where not possible to avoid, a truck hauling route shall be submitted to the City for approval prior to commencement of any grading operation. Such approved haul routes may require a greater structural section, to the satisfaction of the City Engineer and/or the Director of Public Works.
5. During grading and construction operations, the applicant/developer shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
6. 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.
7. All construction operations authorized by building permits, including the delivery, setup, and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or holidays observed by the City of San Marcos.

Failure to comply with result in the issuance of citations. Citations required a mandatory court appearance in North County Superior Court and courts costs up to \$1,000 per offense. Repeat violations will result in suspension of all work on premises until the City determines that appropriate measures are in place to insure that hours of work violations will not occur.

8. All parking for construction workers and equipment shall be provided for on-site. No equipment storage or worker parking shall be allowed on adjacent streets.
9. The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees. Imposition of these requirements shall be at the discretion of the City Engineer.

O. 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 for each phase of development, shall be constructed.
2. Annexation proceedings for the formation of the Special Improvement Area with respect to Community Facility District 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance) shall have been completed, if required.
3. The applicant shall maintain all CFD projects as defined by the City's "Two-Year Maintenance & Establishment" guidelines. As a condition to begin this period, Developers shall provide the City with a signed copy of the maintenance contract to cover the two-year requirement and also provide the City with a Maintenance Bond to cover 50% of the maintenance and a cash security of 50% to cover the balance, if required.
4. The applicant/developer shall ensure that prospective purchasers sign an assessment disclosure statement fully explaining the fact they are in the City's Mello Community Facilities Districts. The disclosure shall indicate what the projected assessments are anticipated to be, both in the near future and at ultimate subdivision build out. A copy of the disclosure shall be provided to the City's Planning Division.

P. To the extent permitted by law, Applicant/developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permit arising from the project as defined in the Multi-Family Site Development Plan; (ii) any damages, liability and/or claims of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operation of applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant/developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by City. This indemnification shall not terminate upon expiration of the Multi-Family Site Development Plan, but shall survive in perpetuity.

Q. 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.

R. All conditions as stated in the final Resolutions approving the Specific Plan (SP 13-004), Tentative Subdivision Map (TSM 13-003) and Mitigated Negative Declaration (ND 14-002), mitigation measures and a Mitigation Monitoring and Reporting Program are hereby incorporated by reference and shall be complied with.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 2nd day of June 2014 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

AGENDA ITEM
2