

RESOLUTION PC 14-4428

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION APPROVING A TENTATIVE SUBDIVISION  
MAP FOR UP TO FOURTEEN (14) LOTS WITHIN THE  
SINGLE-FAMILY RESIDENTIAL (R-1-10) ZONE

TSM 14-003  
P14-0013  
San Marcos 7, LLC

WHEREAS, on February 25, 2014 an application was received from San Marcos 7, LLC requesting approval of a Tentative Subdivision Map (TSM) for up to fourteen (14) single-family lots, in conjunction with Conditional Use Permit (CUP 14-007), on a 3.95-acre site located on the south side of Oleander Avenue within the Single-Family Residential (R-1-10) Zone, more particularly described as:

Northeasterly 209.27 feet of Lot 5 in Block 91 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895. Excepting therefrom the northwesterly 300 feet thereof.

Parcel 1 of Parcel Map No. 1959, in the County of San Diego, State of California. Said map filed in the Office of the County Recorder of said County, October 4, 1973, as Instrument No. 73-280471 of official records, being a division of Lot 5 in Block 91 of Rancho Los Vallecitos de San Marcos, according to Map No. 806.

Assessor's Parcel Numbers: 217-231-04 and 217-231-05

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

WHEREAS, the required public hearing held on September 2, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 14-005) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

AGENDA ITEM  
# 2

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

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

1. The Tentative Subdivision Map is in conformance with the goals, policies, and objectives of the General Plan in that it provides a single-family residential use in an area of the City designated for single-family residences with a density not to exceed 3.5 dwelling units per acre.
2. The site is physically suitable for this type of subdivision and the proposed density of development is within the allowed density for the City's General Plan.
3. The design or improvements will not conflict with any easements acquired by the public at large for access.
4. The design of the subdivision and improvements will not cause public health problems in that safe water and sanitary sewer services are provided to the site.
5. The design of the subdivision and improvements will not cause significant unmitigated environmental damage or substantially and avoidably injure fish or wildlife or other habitat in that no significant unmitigated environmental issues or concerns were identified through the environmental assessment prepared for the development.
6. The Tentative Subdivision Map, as conditioned, will not be detrimental to the public health, morals, safety, and welfare in that adequate public facilities and infrastructure including fire, water, sewer, and drainage will be provided.

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

- A. The foregoing recitals are true and correct.
- B. The Tentative Subdivision Map complies with the requirements of the City Subdivision Ordinance, and the Subdivision Map Act.
- C. A Mitigated Negative Declaration (ND 14-005) for this project is hereby adopted pursuant to the California Environmental Quality Act (CEQA).
- D. The Tentative Subdivision Map is hereby approved pursuant to the City Subdivision Ordinance and no waiver of any requirement of said Ordinance is intended or implied except as specifically set forth in this resolution.
- E. Within ten (10) days after the adoption of this resolution, any person who has written or spoken at the Planning Commission hearing may appeal the foregoing finding of this

Commission to the City Council. No final map shall be approved, no grading permit issued, and no building permits issued for permits, other than temporary uses, until after the expiration of the tenth (10<sup>th</sup>) day following the adoption of this Resolution, or if an appeal was taken, until the City Council has sustained the determination of this Commission.

- F. The approval of this Tentative Subdivision Map shall expire within twenty-four (24) months from date of Planning Commission approval. The Final Map, conforming to this conditionally approved Tentative Subdivision Map, shall be filed with the City Council in time so that the Council may approve said map before its expiration, unless prior to that date, the Planning Commission or City Council subsequently grants a time extension for the filing of the Final Map, as provided for in the City's Subdivision Ordinance and the Subdivision Map Act. It is the developer's responsibility to track the expiration date. Failure to request an extension will result in a re-filing of the Tentative Subdivision Map and new processing of the map.
- G. Within thirty (30) days of the approval of TSM 14-003 and CUP 14-007, the revised plans (i.e.: site plan, elevations, landscape plans, etc.), as conditioned, shall be submitted as a digital file and original mylar along with a mylar of the approving resolutions as the title page. This title page shall include the statement "I (we), \_\_\_\_\_, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolutions PC 14-4428 and PC 14-4429." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The mylars shall be approved by the City prior to any final map, grading plan, improvement plan, or building permit submittal.
- H. The Tentative Subdivision Map is approved in conjunction with the submitted Conditional Use Permit (CUP 14-007) and all conditions of approval specified in Resolutions PC 14-4429 are hereby incorporated by reference herein.
- I. The Tentative Subdivision Map shall be modified as follows:
  - 1. Under "Existing/Proposed Zoning", remove "Proposed".
- J. The conceptual landscape plans shall be modified as follows:
  - 1. Symbols shall be shown for each plant type in the legend and corresponding location on the site plan.
  - 2. Street trees along Oleander Avenue shall be setback a minimum of five (5) feet from the sidewalk and include a root barrier, along with C.U. Soils as its base, to the satisfaction of the City Engineer. Therefore, the location of the proposed retaining wall along Lot 14 shall be moved inward in order to accommodate the street trees on Oleander Avenue.
  - 3. Street trees along Oleander Avenue shall have a minimum size of twenty-four (24)

inch box and comply with the City Minimum Tree Standards for height and spread at time of installation. The spacing of street trees along Oleander Avenue shall be a minimum of thirty (30) feet, and shall be located whereas not to interfere with the line-of-sight for vehicles at the intersection of "Street A" and Oleander Avenue.

4. Shrubs and ground cover shall be shown on all slopes, including slopes under five (5) feet in height, and between the sidewalk and right-of-way line for all lot frontages and along Oleander Avenue.
5. One (1) tree shall be added to the rear slope of each lot (Lots 1 through 5), and three (3) trees added to the rear slope of each lot (Lots 8 and 9).
6. Root barriers shall be installed for trees located adjacent to retaining walls.
7. A minimum three (3) foot landscape planter with irrigation shall be shown along the western property line between the paved easement road and the backyard fencing of Lots 1 through 6 for the planting of shrubs and ground cover.
8. A minimum four (4) inch layer of red bark mulch or equivalent durable material shall be used throughout all planter areas for weed and erosion control purposes.
9. Note 4 shall indicate that any revision in plant material on the landscape plans shall require approval by the City.
10. Municipal Storm Water Permit Requirements that require water quality and hydro-modification landscape details such as efficient irrigation and/or bio-retention facilities, shall be coordinated with the Water Quality Improvement Plan (WQIP) and incorporated as part of the landscape plan.

K. Developer/Applicant shall comply with all provisions and requirements set forth in the San Marcos Municipal Code (SMMC), 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.

L. 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 the applicable code and applicable engineering handouts.

M. Developer/Applicant shall be responsible for bearing the cost of all grading activities, on-site and off-site improvements, labor, design, mitigation, or other costs associated with the project's planning, engineering, construction or architecture for the project.

N. Developer shall provide geotechnical permeability feasibility as required by the City's current Standard Urban Stormwater Management Plan (SUSMP) for determination of permanent water quality and hydro-modification best management practices.

- O. This project shall be responsible for full compliance with the latest adopted National Pollution Discharge & Elimination System (NPDES), General Construction Permit, Standard Urban Stormwater Management Plan (SUSMP), and conditions contained herein. Changes to the project affecting the project's SUSMP or Risk Level designation shall require approval of the City Engineer and may be subject to further conditions at the time of approval.
- P. The applicant/developer shall comply with all rules, regulations and design requirements of the respective sewer, water, utilities, 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's/developer's responsibility to determine all agencies with rights of approval for the proposed development.
- Q. Prior to recordation of the final map and issuance of any grading permit the following conditions shall be complied with:
  - 1. The Final Map shall indicate that all streets, drainage, bio-retention basin, street lights, sidewalks, street signage and striping improvements, and landscaping along the westerly boundary within the interior of this subdivision designated as private shall remain private and be maintained by an Individual Homeowners Association/Master Homeowners Association, or such other provision for maintenance which may be subsequently approved by City Council.
  - 2. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City of San Marcos for review and approval. At a minimum, the CC&R's shall describe the Home Owners Association (HOA) maintenance responsibilities, parking restrictions, fuel modification maintenance, water quality Best Management Practices (BMP's), City reporting responsibilities, and any regulatory agency permit responsibilities.
  - 3. Direct access rights to all lots abutting Oleander Avenue, as well as the easements for the westerly private roadway, shall be relinquished to the City on the Final Map.
  - 4. The applicant/developer shall design a nine and one half (9 ½) feet wide general utility easement and public pedestrian access easement across Lots 1 through 14. Said dedication shall be behind, and adjacent to, the street curb.
  - 5. The applicant/developer shall dedicate an additional two (2) feet along the project's westerly boundary, from the northwest corner of Lot 1 to mid-section of Lot 3, for the purpose of dedicating a twelve (12) foot emergency access easement along the project's entire westerly boundary, from Lot 1 to Lot 6. Continuing southward, the dedication shall increase to twenty feet (20 ft) for the remainder of the westerly boundary. The dedication and acceptance information shall be clearly depicted on the Final Map.
  - 6. The subdivider shall submit a "Primary" street name and two (2) alternate names for

each lettered street shown on the Tentative Map, for review and approval by the street naming committee.

7. Prior to Final Map approval, 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 Final Map from the applicant/developer.
  - b. They object or do not object to the filing of the Final 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.
8. The Final Map shall show the gross and net acreage of all parcels created.
9. In conjunction with Conditional Use Permit 14-007 (PC Resolution 14-4429), the overall average size of all lots shall be at least 10,000 square feet (net) with no individual lot less than 7,500 square feet (net) per the provisions of the Single-Family Residential (R-1-10) Zone and slope density analysis. Final Map lot sizes must be consistent with the approved Tentative Subdivision Map.
10. Front yard setbacks shall be measured from the right-of-way line at back of curb.
11. Side yards shall have a minimum of five (5) feet of level open space between the building footprint and any slope or retaining wall in conjunction with the required building setback of ten (10) feet for a side yard in the Single-Family Residential (R-1-10) Zone.
12. 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. Additionally, the Final Map shall also use the NAVD 88 datum for Vertical Control.
13. The Final Map shall incorporate any fuel modification easements, where applicable, as required by the Fire Department. A fuel management plan demonstrating a minimum 150-foot setback from structures, and natural vegetation plan must be reviewed and approved by the Fire Department.
14. The applicant/developer shall submit plans and specifications for improvement of all streets, including all utilities, 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.

15. 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 and City's "Urban Street Design Criteria" in effect at the time of project approval.
16. The applicant/developer shall dedicate to the City of San Marcos easements or rights-of-way for all public streets, utilities, drainage facilities and appurtenances thereto, and all other interests in real property required by these conditions and as shown on the tentative map. All property or property interests shall be granted to the City free and clear of all liens and encumbrances and without cost to the City and free of environmental hazards, hazardous materials or hazardous wastes.
17. The design of all streets and/or drainage systems for this project shall be approved by the City Engineer. The structural section of all streets shall conform to City of San Marcos Standards based on R-value tests. All streets and/or drainage systems private 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.
18. 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.
19. Oleander Avenue shall be dedicated by the applicant/developer along the subdivision frontage based on a centerline to right-of-way width of forty-two (42) feet. A street cross section shall be provided on the map and construction drawings.
20. Street "A" shall be dedicated by the applicant/developer within the subdivision frontage based on a modified public street with a curb-to-curb (right-of-way) width of forty-one (41) feet. A street cross section shall be provided on the map and construction drawings. Additionally, a nine and one half (9 ½) feet wide general utility easement and public pedestrian access easement shall be dedicated behind, and adjacent to, the street curb across Lots 1 through 14.
21. Where off-site improvements (e.g., streets, slopes, public utility facilities, and drainage facilities, etc.) are to be constructed, the applicant/developer shall obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant/developer shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map.

If said dedication and easements are not acquired after negotiations between the private parties, the applicant/developer shall submit a written request and provide sufficient information not later than sixty (60) days prior to filing of any final map for approval, in accordance with Section 19.16.110 of the City's of San Marcos Municipal Ordinance, in order for the City to initiate condemnation proceedings as necessary for offsite acquisition of property. In any case, the applicant/developer shall be responsible for all costs incurred in acquiring offsite property.

22. The applicant/developer shall provide a design to improve the existing easements for private roadway and ingress & egress located along the westerly boundary, as well as within the requested emergency access easement, with asphalt and a minimum three (3) foot wide landscape planter. The asphalt cement (AC) improvements shall be twenty feet (20 ft) along the entire westerly boundary. Lesser paved widths may be allowed to accommodate the required drainage improvements and landscaping, upon review and approval by the Fire Marshal and Planning Director.
23. Oleander Avenue shall be designed to half width secondary arterial street standards along the subdivision frontage based on a centerline to right-of-way width of forty-two (42) feet. All pavement sections shall be designed to ultimate structural section. A street cross section shall be provided on the map and construction drawings.
24. The applicant/developer shall submit improvement plans depicting the widening of Oleander Avenue with existing and proposed striping and signage displaying the turning movements into the project, dimensions of all lanes, and offsite striping transitioning to existing as necessary. Slurry seal will be required along the Oleander Avenue frontage from curb to curb, and as required for offsite transitioning, all to the satisfaction of the Public Works Director.
25. The applicant/developer shall provide a design for the eastbound Oleander Avenue traffic, with regards to lane transition, to reflect the prevailing speeds per the California Manual on Uniform Traffic Control Devices.
26. Street "A" shall be designed to modified public street standards within the subdivision frontage based on a back of curb-to-curb (right-of-way) width of forty-one (41) feet. All pavement sections shall be designed to ultimate structural section. A street cross section shall be provided on the map and construction drawings.
27. The applicant/developer shall design a nine and one half (9 ½) feet wide general utility easement and public pedestrian access easement across Lots 1 through 14. Said dedication shall be behind, and adjacent to, the street curb.
28. The following street design requirements not specifically outlined in the City's "Urban Street Design Criteria" shall be met:
  - a. All cul-de-sac bulbs shall be forty and one half foot (40 ½ ft) radius right-of-way; cul-de-sacs and knuckles shall adhere to City's standards.

- b. 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.
- 29. Improvement plans shall show all existing and proposed drainage facilities including surface and subsurface construction.
- 30. The applicant/developer shall enter into a Subdivision Improvement Agreement with the City to complete all the public improvements within 360 days from the issuance of grading permits, or satisfy the City Engineer that said work is in a suitable stage toward completion by the deadline.
- 31. 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" public improvements within a period to be specified in the Subdivision Improvement Agreement.
- 32. A light emitting diode street lighting system shall be shown on the street improvement plans at locations specified by the City Engineer at no cost to the public.
- 33. The applicant/developer shall design all residential driveways to comply with the City of San Marcos standard driveway design for residential homes. The applicant/developer shall ensure that said design can accommodate first response emergency vehicles (e.g., ambulance) for ingress and egress.
- 34. No building pad elevation depicted on plans shall exceed pad elevation as shown on the approved Tentative Subdivision Map.
- 35. 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.
- 36. 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 sixty-nine (69) KVA transmission poles/towers shall be relocated underground along the subdivision boundary.

37. In the design of the permanent placement of Vista Irrigation District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be placed outside of the ultimate right-of-way to avoid reconstruction or modification of same.
38. Line of sight easements, if necessary, shall be delineated on all improvement plans as approved by the City Engineer. 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.
39. 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.
40. If the project is to be phased, a phasing plan shall be submitted and approved by the City Engineer and Planning Division Director prior to approval of the Final Map. The phasing plan may be subject to further conditions. Should the applicant/developer decide to develop phases out of numerical sequence with the approved phasing as shown on the plan, all conditions required of the proceeding phases shall be completed unless otherwise approved by the City Engineer and the Planning Division Director. Other conditions may be imposed by the City Engineer and Planning Division Director to allow out-of-phase construction.
41. 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.
42. 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.
43. The applicant/developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the State Water Resources Control Board's (SWRCB) Order No. 2009-0009DWQ and all subsequent applicable amendments for a General Construction Permit (GCP). The SWPPP shall include the SWRCB's Waste Discharge Identification Number (WDID#) along with all Permit Registration Documents (PRDs). The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) and shall describe all Best management Practices (BMPs) to be implemented year around. Specific BMP implementation may be dependent upon wet or dry season operations. BMPs shall be in accordance with CASQA or

Caltrans design standards as directed by the City Engineer.

44. Erosion control details shall be submitted on the grading plans for review and approval. Details shall include landscaping and temporary irrigation systems on exposed slopes. The details shall conform to City standards and codes, the NPDES and GCP, and the City's grading ordinance, and submitted for review and approval.
45. If the project experiences delays or abandonment, the applicant/developer shall submit a mechanism which will ensure on-going long-term maintenance of all construction BMPs. Said mechanism shall be reviewed for approval by City for implementation until the site has reached stabilization in accordance with the City's requirements and the General Construction Permit requirements and filed a Notice of Termination with the SWRCB with proof of acceptance by the SWRCB.
46. The applicant 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 to provide all necessary easements and improvements to accommodate drainage and flood control structures extending beyond the boundaries of the project.
47. All on-site drainage shall be designed in accordance with City standards and privately maintained.
48. A final hydrology report (calculations) shall be prepared for the proposed project modifying the preliminary report to reflect the final design as shown on the grading plans. The project shall show in the report the ability of the project to mitigate post project peak flows up to the 100 year storm event. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out 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 diversion of natural drainage from, or onto, adjacent property shall not be allowed. This report shall be subject to approval of the City Engineer.
49. The hydrology report shall include for the proposed project a separate Best Management Practice (BMP) section with all calculations and modeling files, data and assumptions to mitigate for water quality and hydro-modification effects in accordance with Order R9 2013-0001. From June 27, 2013 to December 24, 2015 the design standard is the January 14, 2011 City of San Marcos SUSMP. After December 24, 2015, a new water quality and hydro-modification mitigation design standard is scheduled to go into effect.
50. The applicant/developer shall submit to the City for review and approval a Water Quality Improvement Plan (WQIP), incorporated as part of the grading plan, that

includes a combination of the following, but not limited to, Low Impact Development (LID), site design, source control, treatment control, hydro-modification, and/or volume control in accordance with the current State Water Resources Control Board's (SWRCB) National Pollution Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Storm Sewer Systems (MS4), offered through the San Diego Regional Water Quality Control Board (SDRWQCB) for projects draining into the San Diego Region watersheds.

51. The WQIP shall be prepared by a registered civil engineer with required supporting calculations in the Appendices of the Hydrology Report. Moreover, the calculations shall demonstrate numeric compliance with the current Permit. The WQIP shall also display the following for each structural treatment control BMP and a City-issued Identification No. unique for each BMP:
  - a. City-issued Identification No. unique for each BMP.
  - b. Latitude and Longitude.
  - c. Area of project treatment for each BMP.
  - d. Assessor Parcel Number location for each BMP.
  - e. Type of BMP per CASQA classification.
  - f. Anticipated project generated pollutants.
  - g. Pollutants removed by each BMP and Efficiency.
  - h. Downstream Impaired Water Body Pollutants.
  - i. Model number, manufacturer, manufacturer phone number, treatment flow, retention times for each BMP.
  - j. Maintenance Requirements.
52. A Water Quality Maintenance Agreement shall be recorded with the County Recorder and proof of the recordation shall be provided to the City. The agreement shall include, but not be limited to, exhibits and tables identifying the permanent Best Management Practices and relevant information as required by the City, as well as permanent operations & maintenance, for the purpose of ensuring ongoing maintenance of on-site Best Management Practices (BMP's).
53. The project landscape architect and building architect shall sign their respective design plans certifying that permanent Best Management Practices (BMP's) have been incorporated into the landscape and building plans as well as certify that the City's Water Efficiency Ordinance has been complied with.
54. The applicant shall mitigate for impacts on City services related to emergency response, landscaping, and infrastructure maintenance. The mitigation shall be met through the execution of applications to annex the real property of the project into the following Community facilities Districts (CFD):
  - a. CFD 98-0, Improvement Area No. 1, Police.
  - b. CFD 98-02, Lighting, Landscaping, Open Space and Preserve Maintenance

c. CFD 2001-01, Fire and Paramedic

No permit will be issued without receipt of a petition for annexation and consent and waiver executed by the property owners for each of the above-referenced Community Facilities Districts for the establishment of the special taxes. In lieu of annexation the applicant may pay a fee for each CFD consentient with the pre-payment option laid out in each CFD's formation documents. The applicant 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.

55. Maintenance of the bio-retention basin and the landscape planter along the road easement on the western property line shall be the responsibility of an Individual Homeowners Association/Master Homeowners Association.
56. 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 1<sup>st</sup> to September 15<sup>th</sup>. In order to begin grading or construction activities within the nesting season, a nesting survey from a qualified biologist or other expert in the field must be submitted to the Planning Division to verify there are no active nests on the subject site. This survey must be submitted prior to any disturbance or impact of the site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a twenty-five (25) foot buffer and up to a maximum buffer of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete.
57. All retaining walls shall be designed of earth tone colored keystone, split-face, or similar textured block with a decorative cap. The applicant shall submit a material sample to the Planning Division for review and approval prior to issuance of grading permit.
58. The applicant and/or developer shall submit architectural elevations with a minimum of three (3) elevations for each floor plan to the Planning Division for review and approval prior to issuance of grading permit. Architectural enhancements shall include, but not limited to, the following: varied floor and roof plans, pop outs and wall projections, and features such as stone, brick, wood, shutters, rafters, window sills, and trims. Front elevations of all the proposed residences and for Lots 1 and 14, the side elevations facing Oleander Avenue and rear elevations, shall have enhanced architectural features, and shall be architectural compatible with each other and the surrounding neighborhood. The submittal shall include a color/materials board for the proposed residences.
59. Under separate permit, the applicant/developer shall submit construction landscape

plans to the Planning Division for review and approval per the following requirements:

- a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect. Landscape plans shall incorporate all modifications as conditioned.
- b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved mylars. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
- c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The irrigation system shall be designed to prevent water run-off onto the sidewalk or street. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
- d. Minimum one (1) street tree shall be installed within the front yard, outside of the road easement or right-of-way, of each new single-family residence. Each street tree shall be a minimum size of fifteen (15) gallons; and comply with the City's minimum height and spread standards.
- e. The landscape plans, including plant material and irrigation design, shall comply with the City's landscape water efficiency ordinance, Section 20.330 of the San Marcos Municipal Code.
- f. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Water Quality Technical Report.
- g. Prior to installation, the proposed plants shall be inspected and approved by the Planning Division 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. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.

h. The applicant shall submit a fencing plan, in conjunction with the landscape plan, for the fourteen (14) new residences which proposes a consistent type and style of fences and/or walls. For Lots 1 through 6, fencing shall be located between the drainage swale and the landscape planter along the easement road on the western property line. The fencing plan shall include decorative fencing with a detail of each proposed fence/wall type, and shall not include chain link fencing.

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

1. New buildings and remodeled structures shall be designed to conform to the latest design standards adopted by the State of California in the California Building Code, Part 2, Title 24, California Code of Regulations.
2. Building plans and instruments of service submitted with a building permit application shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
3. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
4. Residential structures shall be designed to comply with the crime prevention measures approved by the City of San Marcos. The ten (10) crime prevention measures includes such items as: Reinforced door jambs; One piece door stops; 16-gauge strike plate for deadbolts; Locking hardware for garage doors; Two locking devices for wide garage doors; 1-3/4 inch solid exterior doors; Laminated safety glass; Wide angle peep hole for exterior doors; No louvered windows; and Address numbers easily visible from the street.
5. An automatic fire extinguishing system is required in accordance with the latest adopted California Building Code, California Residential Code and/or San Marcos Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the San Marcos Fire Marshal.
6. All provisions of the fuel management plan, where applicable, shall be implemented per the approval of the Fire Marshal.
7. Prior to construction of production units with combustible materials being brought and stored on site, the street shall be installed with at least the first lift of asphalt (capable of supporting the imposed loads of fire apparatus) with permanent working water supply installed, unless the City Manager, or his designee, authorizes a deviation or exception from this policy.

8. The proposed development shall comply with the latest adopted California Green Building Code Standards. The City has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.
9. Roof drain systems shall be designed for 3-inches of rainwater per hour. Rain gutters, down drains and other devices shall be installed to prevent erosion at the point of discharge and shall discharge to landscaped areas when feasible. Interceptor drains, yard drains and drainage devices shall be installed to mitigate erosion and create positive drainage away from foundations. Roof drainage shall comply with the City's storm water management measures.
10. Health and Safety Code Section 17959.6 requires developers of new residential housing developments to provide buyers with a list of specified universal accessibility features that would make specific areas of the home accessible to persons with disabilities. The developer must indicate what features are standard, limited, optional, or not available, and the point of construction by which they must be requested.
11. The applicant/developer shall pay an in-lieu affordable housing fee in effect at the time of building permit issuance.
12. The building permit applicant for the proposed development, redevelopment, or discretionary use shall pay Public Facilities Fees (PFF) as established by the latest adopted Public Facilities Fee. The fee shall be based on the proposed land use.
13. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
14. The project is subject to the approval of the Vista Irrigation District (VID) for water services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
15. The project is subject to the approval of the Buena Sanitation District for sewer services and all applicable fees and charges shall be paid to the satisfaction of the District prior to issuance of grading or building permit.
16. The project is approved as a single project with no phases. If phasing is desired, a phasing plan shall be submitted to the Development Services Department for review and approval prior to the issuance of any building permits for projects with phased construction. The phasing plan shall identify the extent of on-site and off-site improvements and the location of all buildings in each phase. Said plan shall be subject to phased conditions as approved by the City. Phase 1 shall include construction of all street improvements, permanent BMPs, and slope landscaping. Building pads shall be temporarily hydro-seeded and irrigated if not constructed in

Phase 1. Occupancies shall not be approved until the City of San Marcos and other agencies have accepted the improvements in compliance with the conditions of approval.

17. 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.
18. The applicant/developer shall obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
19. The applicant/developer shall contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required.
20. Residential structures shall comply with the California Building Code regarding interior noise levels for residential dwelling units.
21. 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.
22. 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.
23. The base lift of asphalt on all roads serving the area under construction shall be completed.
24. All exterior lighting shall comply with City standards for higher energy-efficient fixtures, except for low-wattage architectural lighting. All fixtures shall be approved by the City.
25. Building address shall be clearly identified on plans for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).

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

1. Landscaping of slopes, in accordance with the approved landscape plans, shall

commence at time of completion of grading activities.

2. Dust and dust producing materials shall be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulation, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting and grading operations.
3. 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.
4. Water wells shall be reconstructed or abated in strict compliance with San Marcos Municipal Code Section 8.44.130 through 8.44.170 and the latest adopted State Water Code and Health and Safety Code Section 24400. Water well permits are issued by San Diego County Environment Health Department.
5. The project shall comply with Regional Air Quality Standards.
6. All construction operations authorized by building permits, including the delivery, setup and use of equipment shall be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
7. Grading, excavation or other related earth moving operations, including warm-up and maintenance activities, shall be limited to the hours of 7:00 a.m. to 4:30 p.m., Monday through Friday. No work shall be allowed on Saturdays, Sundays and holidays.
8. The applicant 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.
9. The applicant 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.
10. Paving of roads shall be completed as early as possible to mitigate short-term dust problems associated with construction.
11. 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.

12. During grading and construction operations, the applicant shall maintain public and private driveway access to neighboring businesses/properties at all times unless previous arrangements have been made with the private parties affected. Copies of said agreements shall be provided to the City Engineer.
13. During construction the owner/developer/contractor shall implement and maintain the storm water pollution prevention measures as required on the approved plans. Violations of the City's Storm Water Management Ordinance will result in Stop Work Orders, Notices of Violation and citations with fines. Work on the project may be delayed until the City determines that the project is in compliance with the storm water requirements.
14. 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.

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

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

include the as-built layout for all utilities (gas, telephone, electric, television, and street lighting) as depicted on the original utilities plan sheets. No securities shall be released until the completion of "As-Built" plans.

6. 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.
7. Annexation proceedings with respect to Community Facility Districts shall have been completed. No occupancy shall be granted prior to the canvassing of the election results for all applicable Community Facility Districts.
8. Oleander Avenue shall be constructed to half width secondary arterial street standards along the subdivision frontage based on a centerline to right-of-way width of forty-two feet (42 ft), with all pavement sections constructed to ultimate structural section, as approved by the City Engineer.
9. The applicant/developer shall slurry seal Oleander Avenue as approved on the construction drawings.
10. The applicant/developer shall install new striping and signage for the eastbound Oleander Avenue traffic, with regards to lane transition, to reflect the prevailing speeds per the California Manual on Uniform Traffic Control Devices.
11. Street "A" shall be constructed to modified public street standards within the subdivision frontage based on a curb-to-curb (right-of-way) width of forty-one feet (41 ft), with all pavement sections shall be constructed to ultimate structural section, as approved by the City Engineer.
12. All on-site drainage shall be constructed in accordance with City Standards and privately maintained.
13. Drainage easements shall be granted between private property owners concurrently with the transfer of title where lots drain onto adjacent or abutting lots.
14. All retaining walls shall be constructed of earth tone colored keystone, split-face, or similar textured block.
15. The applicant/developer shall construct a nine and one half feet (9.5 ft) wide parkway to accommodate the general utility easement and public pedestrian access easement. Said construction shall be behind, and adjacent to, the street curb.
16. The applicant/developer shall construct all residential driveways as approved by the City Engineer. The applicant/developer shall ensure that said construction accommodates first response emergency vehicles (e.g., ambulance) for ingress and egress.

17. The applicant/developer shall construct to improve the existing easements for private roadway and ingress & egress, located along the westerly boundary, as well as within the requested emergency access easement, with asphalt and a minimum three (3) foot wide landscape planter. The asphalt cement (AC) improvements shall be twenty feet (20 ft) along the entire westerly boundary. Lesser paved widths may be allowed to accommodate the required drainage improvements and landscaping, upon review and approval by the Fire Marshal and Planning Director.
18. The applicant/developer shall install all approved Water Quality Improvement Plan (WQIP) Structural Best Management Practices as approved by the City Engineer.
19. A light emitting diode street lighting system shall be installed as approved by the City Engineer.
20. The Vista Irrigation District's large meter services, detector checks, fire hydrants, etc., along circulation element streets shall be installed as approved by the water agency.
21. The proposed development shall satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor shall obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department. For phased developments, the conditions of approval shall be satisfied prior to requesting the first occupancy in the phase.

U. The applicant/developer shall disclose to future residential owners of the proposed project that the property is located within the Airport Influence Area of McClellan-Palomar Airport, and may be subject to some of the annoyances or inconveniences, if any, associated with proximity to airport operations (i.e.: noise, vibration, or odors).

V. 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.

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

X. 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 2<sup>nd</sup> day of September, 2014, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION

RESOLUTION PC 14-4429

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING  
COMMISSION APPROVING A CONDITIONAL USE PERMIT  
TO ALLOW LOT SIZE AVERAGING IN THE SINGLE-  
FAMILY RESIDENTIAL (R-1-10) ZONE

CUP 14-007  
P14-0013  
San Marcos 13, LLC

WHEREAS, on February 25, 2014 an application was received from San Marcos 13, LLC requesting a Conditional Use Permit to allow lot size averaging, in conjunction with Tentative Subdivision Map (TSM 14-003), located on the south side of Oleander Avenue in the Single-Family Residential (R-1-10) Zone, more particularly described as:

Northeasterly 209.27 feet of Lot 5 in Block 91 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to Map 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895. Excepting therefrom the northwesterly 300 feet thereof.

Parcel 1 of Parcel Map No. 1959, in the County of San Diego, State of California. Said map filed in the Office of the County Recorder of said County, October 4, 1973, as Instrument No. 73-280471 of official records, being a division of Lot 5 in Block 91 of Rancho Los Vallecitos de San Marcos, according to Map No. 806.

Assessor's Parcel Numbers: 217-231-04 and 217-231-05

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

WHEREAS, the required public hearing held on September 2, 2014 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 14-005) for said request pursuant to the California Environmental Quality Act (CEQA); and

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

1. The granting of the Conditional Use Permit allowing lot size averaging complies with the minimum lot size requirements established per Section 20.300.030 of the Zoning Ordinance (SMMC Title 20).

AGENDA ITEM  
# 2

2. The granting of the Conditional Use Permit will not adversely affect the General Plan in that the subdivision map complies with the density allowances established by the General Plan, and the design of the subdivision is consistent with other single-family residential subdivisions within the area.
3. The granting of the Conditional Use Permit will not be materially detrimental to the public health, safety, and welfare or injurious to property or improvement in that the design of the subdivision complies with the Subdivision Ordinance (SMMC Title 19).

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 14-005) is hereby approved pursuant to the California Environmental Quality Act (CEQA).
- C. The Conditional Use Permit is approved subject to compliance with the following conditions:
  1. The overall average size of all lots shall be at least 10,000 square feet (net) with no individual lot less than 7,500 square feet (net) per the provisions of the Single-Family Residential (R-1-10) Zone, slope density analysis, and the lot sizes listed on the site exhibit. Development of the individual lots shall comply with the R-1-10 Zone provisions.
  2. This Conditional Use Permit is approved in conjunction with the submitted Tentative Subdivision Map (TSM 14-003), and all conditions of approval specified in Resolution PC 14-4428 shall be incorporated by reference herein.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 2<sup>nd</sup> day of September, 2014, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Eric Flodine, Chairman  
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

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Lisa Kiss, Office Specialist III  
SAN MARCOS CITY PLANNING COMMISSION