TO: Mayor and City Council

VIA: Gus Vina, City Manager

FROM: Planning and Building Department
Tom Curriden, City Planner
Roy Sapa’u, Senior Planner

SUBJECT:
Adoption of Resolution No. 2013-15 to approve the Woodridge Farms Estates, LLC tentative map, a 16-residential-lot, density bonus subdivision. CASE NO.: 09-200 TM/DR/EIA; APPLICANT: Woodridge Farms Estates, LLC; LOCATION: 1335 Desert Rose Way (APN: 264-010-27);

BACKGROUND/DISCUSSION:
The City Council considered an appeal of the Planning Commission’s denial of the subject application on January 23, 2013 and on March 13, 2013. The City Council voted 3-0-1-1 on March 13, 2013 to uphold the appeal, approve the project, and adopt the Final Mitigated Negative Declaration prepared for the project. A draft resolution reflecting the Council’s action taken on March 13, 2013 was on the April 10, 2013 City Council Meeting Agenda. The City Manager requested for the item to be continued to the April 17, 2013 City Council meeting to allow staff to make necessary revisions to the report and resolution to more accurately reflect the Council’s findings and conditions. The revised resolution (attached hereto as Exhibit CC-1) reflecting the Council’s action taken on March 13, 2013 is presented to the Council for adoption.

FISCAL AND STAFF IMPACTS:
Council action on this application will have no direct fiscal or staff impacts.

RECOMMENDATION:
Adopt Resolution No. 2013-15, attached hereto as Exhibit CC-1, approving Case No. 09-200 TM/DR/EIA and adopting the Final Mitigated Negative Declaration for the project.

ATTACHMENTS:
Exhibit CC-1 Resolution No. 2013-15, with attachments "A", "B" and "C"
Exhibit CC-1
Case No. 09-200 TMDB/DR/EIA
Resolution No. 2013-15 with attachments “A”, “B” and “C”
RESOLUTION NO. 2013-15

A RESOLUTION OF THE CITY OF ENCINITAS CITY COUNCIL
APPROVING A TENTATIVE MAP AND DESIGN REVIEW PERMIT FOR THE
SUBDIVISION OF THE 7.87-GROSS ACRE SUBJECT PROPERTY INTO 16
RESIDENTIAL LOTS, 1 PRIVATE STREET LOT THROUGH A DENSITY BONUS IN
ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65915, FOR
THE PROPERTY LOCATED AT 1335 DESERT ROSE WAY

(CASE NO. 09-200 TMDB/DR/EIA; APN: 264-010-27)

WHEREAS, a request for consideration of a density bonus Tentative Map and Design
Review Permit was filed by Woodridge Farms Estates, LLC to allow the subdivision of the subject
7.87-gross acre property into 16 residential lots, 1 street lot and a 27.5% density bonus for the
provision of approximately 8% of the project (1 lot) as affordable housing for very-low income
tenants, in accordance with Chapter 23.08 (Design Review) of the City of Encinitas Municipal Code
and Sections 65915 and 66474 of the California Government Code, for the property located within
the Olivenhain Community area in the City of Encinitas and in the Rural Residential 2 (RR-2) zone,
legally described as:

(SEE ATTACHMENT "A")

WHEREAS, the City Council conducted noticed public hearings on the application on
January 23, 2013 and March 13, 2013, at which time all those desiring to be heard were heard; and

WHEREAS, the City Council considered, without limitation:

1. The January 23, 2013 and March 13, 2013 agenda reports to the City Council with
   attachments;

2. The General Plan, Municipal Code, and associated Land Use Maps; and

3. Oral evidence submitted at the hearings;

4. Written evidence submitted at the hearings;

5. Project plans consisting of 5 sheets, including Tentative Map, Preliminary Grading
   Plan, and Detail/Cross-Section and Sewer Improvements, dated received by the City
   of Encinitas on February 21, 2012, and 2 sheets Preliminary Landscape Plan and
   Irrigation Plan dated received by the City of Encinitas on October 10, 2012; and

WHEREAS, the City Council made the following findings pursuant to Section 66474 of the
California Government Code and Chapter 23.08 (Design Review) of the Encinitas Municipal Code:

(SEE ATTACHMENT "B")
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Encinitas hereby approves application Case No. 09-200 TMDB/DR/EIA subject to the following conditions:

(SEE ATTACHMENT "C")

BE IT FURTHER RESOLVED that the City Council, in its independent judgment, has reviewed the Environmental Initial Study prepared for the project and has determined that with incorporation of the mitigation measures contained therein and made conditions of approval for the application herein, all project impacts will be reduced to levels of insignificance and the Mitigated Negative Declaration is hereby adopted in accordance with the provisions of the California Environmental Quality Act (CEQA).

PASSED AND ADOPTED this 17th day of April, 2013 by the following vote, to wit:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_________________________
Teresa Arballo Barth, Mayor

ATTEST:

_____________________
Kathy Hollywood
City Clerk

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.
ATTACHMENT "A"
Resolution No. 2013-15
Case No. 09-200 TMDB/DR/EIA

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1
ALL THAT PORTION OF LOT 15 OF THE SUBDIVISION OF RANCHO LAS ENCINITAS, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 848, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 27, 1898, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 15; THENCE NORTH 86°45' EAST ALONG THE SOUTHERLY LINE OF SAID LOT, A DISTANCE OF 835.00 FEET TO THE SOUTHWEST CORNER OF LAND CONVEYED TO CHESTER R. CARTER, ET AL, BY DEED RECORDED JUNE 28, 1966, SERIES 7, BOOK 1966, AS FILE NO. 105760 OF OFFICIAL RECORDS; THENCE NORTH 6°40' WEST ALONG THE WESTERLY LINE OF SAID CARTER'S LAND, 612.00 FEET; THENCE NORTH 87°25'34" WEST 808.75 FEET TO THE WESTERLY LINE OF SAID LOT 15; THENCE SOUTH 3°45' EAST ALONG SAID WESTERLY LINE 693.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION LYING SOUTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 15, DISTANT THEREON NORTH 86°45' EAST 475.45 FEET FROM THE NORTHWESTERLY CORNER OF LOT 18 OF SAID RANCHO LAS ENCINITAS; THENCE NORTH 21°15'32" WEST 211.85 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 400.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°05'28" A DISTANCE OF 342.72 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 175.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°00', A DISTANCE OF 91.63 FEET; THENCE TANGENT TO SAID CURVE NORTH 40°21' WEST 74.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 222.14 FEET; THENCE NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE TO THE NORTHERLY LINE OF PARCEL 1 HEREIN DESCRIBED.

PARCEL 2
AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER GAS, POWER AND TELEPHONES LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 60.00 FEET IN WIDTH, IN LOT 15 OF RANCHO LAS
ENCINITAS, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 848, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 27, 1898, THE CENTER LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 15, DISTANT THEREON NORTH 86°45' EAST 475.45 FEET FROM THE NORTHWesterLY CORNER OF LOT 18 OF SAID RANCHO LAS ENCINITAS; THENCE NORTH 21°15'32" WEST 211.85 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWesterLY AND HAVING A RADIUS OF 400.00 FEET; THENCE NORTHWesterLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°05'28" A DISTANCE OF 342.72 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 175.00 FEET; THENCE NORTHWesterLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 30°00' A DISTANCE OF 91.63 FEET; THENCE TANGENT TO SAID CURVE NORTH 40°21' WEST 74.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 222.14 FEET; THENCE NORTHWesterLY AND NORTHERLY ALONG THE ARC OF SAID CURVE TO THE NORTHERLY LINE OF PARCEL HEREIN DESCRIBED.

SAID EASEMENT TO TERMINATE ON THE NORTHERLY LINE OF PARCEL 1 ABOVE AND IN WESTERLY AND SOUTHERLY BOUNDARY LINES OF SAID LOT 15.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN PARCEL 1 ABOVE.

PARCEL 3
AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 60.00 FEET IN WIDTH, IN LOT 18 OF RANCHO LAS ENCINITAS, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 848, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 27, 1898, THE CENTER LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER LINE INTERSECTION OF "C" STREET AND 14TH STREET, AS SHOWN ON MAP 326 COLONY OF OLIVENHAIN; THENCE SOUTH 60°46'34" EAST 41.31 FEET TO A POINT ON THE EASTERLY BOUNDARY OF "C" STREET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 60°46'4" EAST 203.36 FEET TO THE BEGINNING OF A TANGENT 82.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 110°42'01" A DISTANCE OF 158.43 FEET; THENCE NORTH 8°31'25" EAST TO A POINT IN THE NORTHERLY LINE OF SAID LOT 18, DISTANT NORTH 86°45' EAST 475.45 FEET FROM THE NORTHWEST CORNER THEREOF.
FINDINGS FOR A TENTATIVE MAP

STANDARD: Section 66474 of the California Government Code requires that the authorized agency approve an application for a Tentative Map unless, based upon the information presented in the application and during the Public Hearing, the authorized agency makes any of the following findings of fact:

a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act.

Facts: The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The proposed subdivision includes site grading, street improvements, drainage and stormwater treatment facilities, public recreational trail and landscaping improvements, but the construction of homes is not proposed at this time. The proposed subdivision also includes a request for density bonus in accordance with State density bonus law as per California Government Code Section 65915. The subject property is located in the Rural Residential 2 (RR-2) zone, which allows densities of up to 2 single-family residential lots per net acre. No specific plan is applicable to the subject property.

Discussion: With approval of the density bonus request, the proposed subdivision is consistent with the General Plan. The proposed single-family residential use of the subject property conforms to the Rural Residential 2 land use designation applicable to the subject property. According to the net acreage calculations provided for the project by the applicant, the 5.93-net-acre property yields a maximum allowed density of 11.07 units, which rounds up to 12 lots in accordance with State Density Bonus Law (SDBL). The applicant proposes 1 affordable lot, approximately 8.7% of the proposed 12 lots prior to the density bonus, to be reserved for very-low-income households for density bonus purposes. In accordance with the SDBL, this entitles the applicant to a density bonus of 27.5% and 1 concession/incentive. The density bonus calculation for 12 lots plus a 27.5% density bonus yields 15.3 lots, which rounds up to 16 residential lots in accordance with the SDBL. The 16 total lots would include one affordable lot (per SDBL) and 15 market rate lots. Lot 3 would be reserved as the density bonus affordable lots. This Resolution of Approval includes a condition requiring that the density bonus unit on Lot 3 be constructed and receive final occupancy prior to issuance of final occupancy for the 1st market rate unit regardless if the subdivision is developed as a custom lot development or tract home development. The applicant requests a reduction of development standards in accordance with Government Code Section 65915(e)(1) including a reduction of lot areas with related reductions in lot dimensions for several lots and setbacks as shown on the project drawings. The requested incentive is an allowance for a private street to serve the subdivision. Typically, private streets are permitted for subdivisions of 10 or fewer lots and Planned Residential Developments (PRD) as per Municipal Code Section 24.29.020, or for lot averaging subdivisions as per Municipal Code Section 30.16.020A. The applicant has
indicated that reduction of lot area, dimensions, and setbacks and provision of a private street will allow the development of additional market rate housing to additionally offset costs of developing the density bonus affordable unit.

Chapter 24.21 of the Encinitas Municipal Code provides that residential subdivisions proposing 10 or more residential lots include affordable dwelling units for rent to persons qualified by the County Housing Authority as meeting Section 8 Rental Assistance Requirements or shall require payment of a fee in lieu thereof at the option of the subdivider. The affordable dwelling unit must be provided at the rate of 1 unit for every 10 units of the subdivision. The City’s affordable housing assistance requirement is calculated based on the maximum residential density prior to inclusion of any density bonus units. For the proposed subdivision, the maximum residential density would be 12 units, and 1 affordable unit would be required to comply with the affordable housing assistance requirements. The applicant has elected to pay an in-lieu fee as an alternative to providing the affordable unit. This resolution of approval includes a condition requiring the subdivider/owner to pay an in-lieu fee, as established by resolution of the City Council, prior to recordation of the final map for the subdivision. However, an affordable (inclusionary) unit would be required on Lot 4 of the subdivision if an in-lieu fee is not approved by the City Council. That unit must be reserved for 55 years to meet the affordable housing requirement as per Chapter 24.21. The unit must also be a minimum of 1,500 square feet with 3 bedrooms, 2 bathrooms, and a 2-car, enclosed garage. The architecture of the unit must be compatible with the market-rate homes and the interior appearance, finishes, and amenities of the inclusionary affordable unit would be required to be comparable to new, affordable for-sale units in the community. The lot has been designed to accommodate the required 1,500 square feet of floor area and enclosed garage. The inclusionary affordable unit (if provided) must be constructed and receive final occupancy prior to issuance of final occupancy for the 1st market rate unit regardless if the subdivision is developed as a custom lot development or tract home development.

**Conclusion**: The City Council finds that with the implementation of the conditions of approval of this resolution the proposed subdivision is consistent with the City of Encinitas General Plan.

b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

**Facts**: The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The project includes grading of the site to create the proposed building pads, private street improvements, drainage and stormwater treatment facilities, landscape improvements and a public recreational trail, but the construction of the homes is not included. Subdivision design standards are set forth in Chapter 24.12 of the Municipal Code and the development standards of the RR-2 zone are applicable to the subject property. Typical minimum standards of the RR-2 zone include a minimum lot area of 21,500 square feet, lot width of 100 feet, lot depth of 150 feet, front-yard setback of 30 feet, rear-yard building setback of 25 feet, interior side-yard building setback of 10 feet and exterior side-yard setback of 15 feet. The design recommendations of the City of Encinitas
Design Guidelines are applicable to the project. In accordance with SDBL as per Section 65915(e)(1) of the California Government Code, the applicant proposes reduction of lot areas and dimensions and building setbacks and private streets as identified on the tentative map. Section 65915(e)(1) provides that in no case may a city apply any development standard that would physically preclude the development of a complying density bonus project at the densities and with the incentives and/or concessions proposed. All services and utilities are present to adequately serve the residential project. No specific plan is applicable to the subject property.

**Discussion:** With approval of the density bonus request, the design of the proposed subdivision is consistent with the General Plan. The proposed public and private improvements related to the project, including but not limited to the private streets, drainage, storm water facilities, and fuel modification zones have been reviewed by the Engineering Services and Fire Departments and, with the implementation of the conditions of approval of this resolution, have been found to comply with all applicable standards and regulations.

**Conclusion:** The City Council finds that with the implementation of the conditions of approval of this resolution the design of the proposed subdivision is consistent with the City of Encinitas General Plan.

c. That the site is not physically suitable for the type of development.

**Facts:** The applicant proposes to subdivide the subject approximately 5.93-net acre parcel into 16 single-family residential lots and 1 private street lot. The project includes grading and landscaping of the site and construction of private streets improvements, drainage and stormwater treatment facilities, and a public recreational trail. The constructions of homes are not included in this application at this time. The proposed subdivision includes a request for density bonus in accordance with State Density Bonus Law (SDBL) as per California Government Code Section 65915. Grading of the site has been designed to adhere with natural topographic elevations and to accommodate building pads for future residences and to provide ample area for the private access road. Proposed building pads would establish the elevation from which future building heights would be measured.

**Discussion:** The detached single-family residential development of the subject property will be consistent with detached single-family residential development in the surrounding neighborhood. Each of the proposed lots provides ample room for future development of single-family residences, including adequate outdoor private space. Grading activities associated with pad development, road construction, and final contours would result in a balanced grading of 11,616 cubic yards of cut of which all would be used as fill material with no off-site export. Fill slopes would be a maximum of 9 feet on Lot 6 and cut slopes at a maximum of 11 feet on Lots 12 & 13. Pad elevations would range from 150.0 feet for Lot 1 at the southeast corner of the subdivision to 176 feet for Lot 11 on the northwest corner of the subdivision. Proposed pad elevations would establish the basis from which building height would be measured in accordance with Section 30.16.010B6d of the Municipal Code. Manufactured slopes ranging from 5 feet to 30 feet in height would be constructed along the rear yards of each lot. The project landscaping plan provides significant groundcover,
shrub, vine, and tree plantings to screen visible manufactured slopes. Retaining walls (ranging in height from 4 feet to 7 feet) will be constructed at the toe of the manufactured slopes proposed along the rear yards of Lots 11 thru 16. Most of the retaining walls will be screened from any public viewpoints or from adjacent properties by future homes proposed on each lot. Vines are also proposed at the top of the retaining walls to further screen them. Retaining wall material would be natural-colored keystone block or split-faced CMU. The proposal has been reviewed by Engineering Services Department staff and concurred that the proposed grading is necessary to provide adequate drainage flow from the rear of each lot out to the private street.

**Conclusion:** The City Council finds that with the implementation of the conditions of approval of this resolution the subject property is physically suitable for the type of development proposed.

d. That the site is not physically suitable for the proposed density of development.

**Facts:** The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The proposed subdivision includes site grading, street improvements, drainage and stormwater treatment facilities, a public recreational trail, and landscape improvements, but the construction of homes is not proposed at this time. The proposed subdivision also includes a request for a density bonus in accordance with State Density Bonus Law (SDBL) as per California Government Code Section 65915. The SDBL provides that an applicant proposing a housing development agreeing to provide affordable housing in accordance with the guidelines of Section 65915 shall be provided a density bonus over the otherwise maximum allowable residential density calculated according to the local zoning ordinance. The requested concession is an allowance for a private street to serve the subdivision. In addition to the requested concession, the applicant is also proposing to waive/reduce development standards related to lot sizes with related reductions in lot dimensions and setbacks. According to SDBL, the applicant may propose a waiver or reduction of development standards that will have the effect of physically precluding the construction of the development meeting the criteria of 5 percent of the total units of a housing development for very low income households and at the density or with the concession permitted under the SDBL. The City is required by the SDBL to grant the proposed concession and waiver/reduction of development standards unless they would result in a specific adverse impact upon public health and safety, the physical environment, or any state-listed historical property and there is no feasible method of mitigating or avoiding the impacts. The subject property is located in the Rural Residential 2 (RR-2) zone, which allows pre-density bonus densities of up to 2 single-family residential lots per net acre.

**Discussion:** The project as designed provides adequate parking and adequate pedestrian, vehicular and emergency access to the site and proposed grading is depicted on the tentative map. According to the project traffic study, traffic from the proposed subdivision can be accommodated on surrounding streets without exceeding ‘impact significance’ thresholds and without modification to the street system. All services and utilities are in place or can be extended to serve the subdivisions. Each of the proposed residential lots provides ample
space for development of single-family residences in compliance with all applicable development standards as modified by requested density bonus concessions.

**Conclusion:** The City Council finds that with the implementation of the conditions of approval of this resolution the subject property is physically suitable for the proposed density of development.

e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

**Facts:** The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The proposed subdivision includes site grading, private street improvements, public recreational trail, drainage and stormwater treatment facilities but the construction of homes is not proposed at this time. The proposed subdivision also includes a request for density bonus in accordance with State density bonus law as per California Government Code Section 65915. The subject property is currently developed with a commercial equestrian facility that contains stables, riding rings, a caretaker unit and associated outbuildings. The eastern and northern project boundaries contain a natural drainage channel that supports wetland habitat. Pursuant to General Plan Policy 10.10, a 50-foot wide buffer should be utilized when development occurs adjacent to riparian wetland areas. In some cases, smaller buffers may be appropriate, when conditions of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc., show that a smaller buffer would provide adequate protection; and when the Department of Fish and Game has been consulted and their comments have been accorded great weight. All services are available to serve the proposed project. A Biological Technical Report prepared by Cummings and Associates dated September 28, 2009 identified 0.56 acres of combined wetland and riparian habitat consist of 0.43 acres of *Mulefat Scrub* and 0.13 acres of *Freshwater Marsh*. According to the report and project drawings, the grading activities for the proposed subdivision will maintain a minimum buffer of 25 feet from edge of wetland. Furthermore, the required fuel modification zone will overlap the wetland buffer and will directly impact habitat areas. A Fire Protection Plan (FPP) prepared by Firewise Inc. dated October 8, 2009 was also submitted by the applicant for the proposed project. The FPP was prepared to assess the overall (on and off-site) wildland fire hazards and risks that may threaten the life and property associated with the proposed subdivision. The FPP also provides Fuel Modification Zone treatment and construction features for each lot to be relatively safe from future wildfires. The direct impacts to wetland areas and wetland buffer as approved and conditioned herein mainly consist of removal of all non-native vegetation as further outlined in the Conceptual Enhancement Plan prepared by Cummings and Associates dated July 2, 2008 and in the FPP. The FPP was subject to a Third Party Review by the City’s Fire Protection Consultant, Lamont Landis Consulting. Lamont Landis Consulting determined that the project as proposed and recommendations made in the Fire Protection Plan are acceptable. A Final Mitigated Negative Declaration is adopted with the adoption of this resolution of approval.
Discussion: The proposed grading, private street improvements, recreational trail improvements and storm water facilities will be required to be constructed to City of Encinitas standards, including sediment and erosion control during project construction. The US Fish & Wildlife Services and Department of Fish and Game both concurred with the FPP recommendations and approval of the wetland buffer zone reduction to 25 feet. Both agencies also recommended the construction of at least a 6-foot high fence to offset the reduced riparian wetland buffer width. The project includes a 6-foot tall wall along the edge of the 25-foot wetland buffer to aid in radiant heat deflection and to mitigate the reduced width of the wetland buffer.

With certification of the project Mitigated Negative Declaration, the City adopted a Mitigation Monitoring and Reporting Program with mitigation measures regarding impacts to biological resources including the wetland habitat. The mitigation measures have been included as conditions of approval of this resolution. The implementation of mitigation measures for impacts to biological resources including implementation of the wildlife agencies approved wetland enhancement plan will ensure that the project will not impact any wildlife, fish, or their habitat.

Conclusion: The City Council finds that with incorporation of the mitigation measures contained in the MND herein certified, the proposed subdivision is not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

Facts: The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The proposed subdivision includes site grading, private street improvements, public recreational trail, drainage and stormwater treatment facilities but the construction of homes is not proposed at this time. The applicant has submitted service availability letters to indicate that the Water, Sewer, Fire and School agencies can provide adequate service and utilities to the project site. An 8-inch sewer main will be installed within an existing 12-inch public sewer easement along the east side of the properties located at 930 and 940 Via Di Felicita (APN: 264-640-02 & -04) south of the subject property across Dove Song Way. The sewer main will extend the entire length of the easement of approximately 320 feet connecting to an existing sewer main within Via Di Felicita further south of the subject property. A Fire Protection Plan (FPP) prepared by Firewise Inc. dated October 8, 2009 was also submitted by the applicant for the proposed project. The FPP was prepared to assess the overall (on and off-site) wildland fire hazards and risks that may threaten the life and property associated with the proposed subdivision. The FPP also provides Fuel Modification Zone treatment and construction features for each lot to protect from future wildfires. The FPP was subject to a Third Party Review by the City’s Fire Protection Consultant, Lamont Landis Consulting. Lamont Landis Consulting determined that the project as proposed and with recommendations made in the Fire Protection Plan is acceptable.
**Discussion:** With the implementation of the fuel modification zones, basic fire resistive construction measures, and other mitigation measures required in the FPP and adopted Mitigated Negative Declaration, the subdivision will be provided with a high degree of protection from wildfire. No evidence has been submitted to indicate that the proposed subdivision or related improvements would cause a serious public health problem.

**Conclusion:** The City Council finds that the design of the subdivision can be adequately serviced with necessary utilities and the project will not cause any serious public health problems.

g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the authorized agency may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements through or use of property within the proposed subdivision.

**Facts:** All easements of record are identified in the preliminary title report for the subject property and shown on the proposed tentative map. No conflicts with easements of record have been identified on the subject property.

**Discussion:** No evidence has been discovered or submitted to suggest that the subdivision would conflict with any easement for access through or use of the subject property.

**Conclusion:** The City Council finds that the proposed subdivision or type of improvements will not conflict with any easements for access through or use of the subject property.
FINDINGS FOR DESIGN REVIEW

STANDARD: Section 23.08.080 of the Encinitas Municipal Code provides that an application for a design review permit must be granted unless, based upon the information presented in the application and during the Public Hearing, the authorized agency makes any of the following regulatory conclusions:

a. The project design is inconsistent with the General Plan, a Specific Plan, or the provisions of the Municipal Code.

Facts: The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The proposed subdivision includes site grading, street improvements, drainage and stormwater treatment facilities, public recreational trail and landscaping improvements, but the construction of homes is not proposed at this time. The proposed subdivision also includes a request for density bonus in accordance with State density bonus law as per California Government Code Section 65915. The subject Rural Residential 2 (RR-2) zone permits single-family residential development. No specific plan is applicable to the subject property.

Discussion: With approval of the density bonus request as discussed above under “Findings for a Tentative Map” the proposed design of the subdivision is consistent with the General Plan and provisions of the Municipal Code. The residential development of the subject property will be consistent with residential development in the surrounding neighborhood. Grading activities associated with pad development, road construction, and final contours would result in a balanced grading of 11,616 cubic yards of cut, of which all would be used as fill material with no off-site export. The fill material will be placed to blend with existing natural slope on site to achieve a natural appearance. Slopes will be planted with a combination of significant groundcover, shrub, and tree plantings. Construction of future single-family residences in compliance with building height standards measured from the proposed building pads would be of similar impact to adjacent properties as would structures measured from the existing grade. Additionally, a minimum of 3 lots will be developed with single-story homes. Each of the proposed lots provides ample room for future development of single-family residences, including adequate outdoor private space.

Conclusion: The City Council finds that the proposed project design is consistent with the General Plan and provision of the Municipal Code.

b. The project design is substantially inconsistent with the Design Guidelines.

Facts: The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The proposed subdivision would include site grading, street improvements, drainage and stormwater treatment facilities, public recreational trail and landscape improvements, but the construction of homes is not proposed at this time.

Discussion: The project is consistent with the Design Guidelines as follows:
Site Planning: Private and public open space areas are provided throughout the project. Wetland and associated buffer areas will be preserved in a public open space easement. Provision of one story homes on a minimum of 3 lots and varied lot configurations (depth) and setback arrangement will help breakup the building mass of the project and preserve views from neighboring properties. This Resolution of Approval includes a condition of approval requiring that the future placement of garages on the proposed lots vary in accordance with the Design Guidelines and Municipal Code Section 30.16.010B11(b). Sidewalk on one side of the proposed private street and the proposed public trail adjacent to Desert Rose Way (private access easement) will provide opportunity for and encourage pedestrian connectivity and recreational access. No gates are proposed for the private access roads. Retaining and freestanding walls are proposed to be constructed of split-faced keystone block or CMU colored similarly to the native soil on the project site. Retaining wall use is limited to where engineering considerations require their use; none are located along project boundaries.

Grading: Project grading of the site includes building pads developed to generally conform to the overall existing topography. The graded slopes will be rounded and blended to achieve a natural appearance. Retaining walls are a maximum of 7 feet in exposed height. Most of the retaining walls will be screened from any public view points or from adjacent properties by future homes and site improvements (including landscaping) proposed on each lot. Slopes will be planted with a combination of shrubs and groundcover and retaining walls would be textured and colored for a natural appearance. Drainage and stormwater treatment measures are well designed and in conformance with applicable codes.

Circulation, Parking, Streetscape: The project will be accessed off of Desert Rose Way (public right-of-way) via Dove Song Way (private easement) connecting to the proposed private street. Curb, sidewalk and a bioretention basin facility for stormwater treatment will be provided along the project frontage on Dove Song Way. A ‘DG’ sidewalk will be provided on one side of the private street and will connect to the City public sidewalk on Desert Rose Way and recreational trail system. A public trail is proposed on the western side of the development adjacent to Desert Rose Way (private easement) connecting to the City of Carlsbad’s trail system to the north and to the City of Encinitas trail system to the south of the site.

Architecture: The construction of homes is not proposed with this application. However, to comply with architectural siting guidelines, the project is conditioned to require a minimum of 3 lots to be constructed with single story homes and no more than 18 feet in height.

Lighting: Proposed lighting will be consistent with typical lighting for single-family residences. Because the site is located within the Olivenhain Community of the City of Encinitas, all lighting will be required to comply with the residential lighting performance standards established by Sections 30.40.010H and 30.40.010I of the Municipal Code. Illumination of outdoor recreation facilities is prohibited in order to preserve the quality of the night sky by minimizing light and glare nuisances to adjacent properties.
**Landscape:** The proposed landscape palette focuses on low water requirements, fire hazard considerations, and long-term viability with low maintenance and therefore emphasizes native varieties and other dry climate species. Planted areas will be irrigated with automated, computer-controlled irrigation systems that monitor climatic conditions to control water usage in real time. Project planting will provide native trees, shrubs, groundcovers and vines on all significant slopes and retaining walls within the project and private street frontages. Yard areas within the building envelopes established and shown on the tentative map will be landscaped by future homeowners. A 6-foot tall wall will be constructed along the northern and eastern portion of the property delineating the limits of the 25-foot wetland buffer. The wall will be screened by existing native landscaping within the wetland areas. The project landscaping is required to comply with the recommendations made in the FPP related to the specific types of vegetation planted within each Fuel Modification Zone. In addition, the project landscaping must comply with the wetland enhancement plan subject to review and approval by the Wildlife Agencies. The planting plan including the wetland enhancement project will accomplish a nearly continuous landscaped border around the perimeter of the project.

**Conclusion:** The City Council finds that the proposed project is consistent with the Design Guidelines.

c. The project would adversely affect the health, safety, or general welfare of the community.

**Facts:** The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The proposed subdivision includes site grading, street improvements, drainage and stormwater treatment facilities, public recreational trail and landscape improvements, but the construction of homes is not proposed at this time. The surrounding neighborhood consists primarily of detached single-family residential development. All necessary public facilities and services are in place to serve the project. The applicant has submitted letters of facility availability for the project from fire, sewer, water, and elementary and high school service providers. An 8-inch sewer main will be installed within an existing 12-inch public sewer easement located at 930 Via Di Felicita (APN: 264-640-02) south of the subject property across Dove Song Way. The sewer main will extend the entire length of the easement of approximately 320 feet connecting to an existing sewer main within Via Di Felicita further south of the subject property. The project includes adequate stormwater treatment facilities.

A Fire Protection Plan (FPP) prepared by Firewise Inc. dated October 8, 2009 was also submitted by the applicant for the proposed project. The FPP was prepared to assess the overall (on and off-site) wildland fire hazards and risks that may threaten the life and property associated with the proposed subdivision. The FPP also provides Fuel Modification Zone treatment and construction features for each lot to protect from future wildfires. The FPP and project drawings were subject to a Third Party Review by the City’s Fire Protection Consultant, Lamont Landis Consulting, who found that the project as proposed and with recommendations made in the FPP is acceptable. A Final Mitigated Negative Declaration is adopted with the adoption of this resolution of approval.
**Discussion:** The site design of the proposed residential development is consistent with the subdivision design standards prescribed by the Municipal Code and complies with all applicable development standards of the subject RR-2 zone with the exception of the allowed waivers and incentives in conjunction with the requested density bonus as per the SDBL. Single-family residential development is a permitted use in the subject zone. With the implementation of the fuel modification zones, basic fire resistive construction measures, and other mitigation measures required in the FPP, the subdivision will be provided with a high degree of protection from wildfire. Because all public services and facilities are available and the project is located in a developed, residential area, and includes adequate sewer infrastructures and storm-water treatment facilities, no adverse effects to the safety, health, and general welfare of the community are anticipated. The City prepared a Mitigated Negative Declaration for the project and with the implementation of mitigation measures identified therein any significant environmental impacts would be mitigated below the level of significance with the incorporation of the required mitigation measures.

**Conclusion:** The City Council finds that the project would not adversely affect the health, safety, or general welfare of the community.

d. The project would cause the surrounding neighborhood to depreciate materially in appearance or value.

**Facts:** The applicant proposes to subdivide the subject property into 16 single-family residential lots and 1 private street lot. The proposed subdivision includes site grading, street improvements, drainage and stormwater treatment facilities, public recreational trail and landscape improvements, but the construction of homes is not proposed at this time. The surrounding neighborhood consists primarily of detached single-family residential development. The applicant has submitted letters of facility availability for the project from fire, sewer, water, and elementary and high school service providers.

**Discussion:** The project site is highly disturbed from the existing commercial equestrian use. Development of the site would transform the site into a residential development that is consistent with the Encinitas General Plan’s residential designation of the property. The proposed development is consistent with the City’s Design Guidelines as discussed above.

**Conclusion:** The City Council finds that the proposed project would not cause the surrounding neighborhood to depreciate materially in appearance or value.
ATTACHMENT "C"

Resolution No. 2013-15
Case No. 09-200 TMDB/DR/EIA

Applicant: Woodridge Farms Estates, LLC
Location: 1335 Desert Rose Way (APN: 264-010-27)

SC1 SPECIFIC CONDITIONS:

SC3 Approval of the Tentative Map and all associated permits will expire on March 13, 2016 at 5:00 p.m., three (3) years after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.

SC5 This project is conditionally approved as set forth on the application and project drawings, consisting of 5 sheets, including Tentative Map, Preliminary Grading Plan, and Detail/Cross-Section and Sewer Improvements, dated received by the City of Encinitas on February 21, 2012, and 2 sheets Preliminary Landscape Plan and Irrigation Plan dated received by the City of Encinitas on October 10, 2012; and shall not be altered without express authorization by the Planning and Building Department.

SCA This approval authorizes the development of 16 single-family residential lots, and includes the reservation of Lot 3 as an affordable unit for very low-income tenants, in accordance with Section 65915 of the California Government Code. The incentives granted pursuant to the density bonus law shall be allowing a private street for the subdivision, and in accordance with Section 65915(e)(1) of the California Government Code, the reduction of lot area for all lots and the related reduction of setbacks and lot dimensions are approved as shown on the tentative map. A statement on the final map shall be provided and a covenant shall be recorded to that effect. Approval of this request shall not waive compliance with any other sections of the Municipal Code and all other applicable City regulations in effect at the time of Final Map Recordation and/or Building Permit issuance unless specifically waived herein.

SCB The following conditions shall be completed and/or fulfilled to the satisfaction of the Planning and Building Department:

1. Prior to final map recordation, the applicant shall enter into and cause to be recorded an Affordable Housing Regulatory Agreement, to be provided by the City, which shall contain requirements for the design, phasing, construction, marketing, occupancy, and maintenance of the density bonus affordable unit on Lot 3. It shall also contain the household income qualifications and restrictions, the sales price restriction, owner occupancy requirement, monitoring procedures, and any other conditions to ensure long-term affordability for the minimum period of 30 years. Said Regulatory Agreement shall be of a form and content satisfactory to the Planning and Building Director and pursuant to California Government Code Section 65915, as amended.

   a. The phased construction of the density bonus affordable units shall proceed in accordance with the phasing plan approved by the City. This phasing plan shall
be included in the Affordable Housing Regulatory Agreement to be prepared for the project, and shall stipulate that the density bonus affordable unit on Lot 3 shall be constructed and received final occupancy prior to issuance of final occupancy for the 1st market rate unit in the subdivision regardless as to whether the subdivision is developed as a custom lot development or tract home development.

b. The density bonus affordable unit shall be a minimum of 1,500 square feet of living space with a minimum of 3 bedrooms and 2 baths; plus a 2-car garage.

c. The exterior appearance of the density bonus affordable unit shall be compatible with units in the subdivision and surrounding neighborhood.

d. The interior appearances, finishes, and amenities of the density bonus affordable unit shall be comparable to new, affordable for-sale units in the subdivision. Prior to issuance of the building permit, the developer shall submit sufficient information to the satisfaction of the Planning and Building Director to ensure that the quality of materials, floor coverings, cabinets, fixtures, appliances, doors, and windows is comparable to new, affordable, for-sale units in the subdivision.

e. The density bonus affordable unit shall be provided with adequate usable yard area comparable to the market rate units.

2. Prior to final map recordation, the applicant shall pay an in-lieu established by a Resolution of the City Council to satisfy the requirements of Chapter 24.21 of the Municipal Code. Should the City Council deny the request for the in-lieu fee or should the applicant choose to provide the affordable unit on site, the inclusionary unit shall be provided on Lot 4 and shall comply with the following requirements:

a. The phased construction of the inclusionary affordable units shall proceed in accordance with the phasing plan approved by the City. This phasing plan shall be included in the Affordable Housing Regulatory Agreement to be prepared for the project, and shall stipulate that the inclusionary affordable unit on Lot 4 shall be constructed and received final occupancy prior to issuance of final occupancy for the 1st market rate unit in the subdivision regardless as to whether the subdivision is developed as a custom lot development or tract home development.

b. The inclusionary affordable unit shall be a minimum of 1,500 square feet of living space with a minimum of 3 bedrooms and 2 baths; plus a 2-car garage.

c. The exterior appearance of the density bonus affordable unit shall be compatible with units in the subdivision and surrounding neighborhood.

d. The interior appearances, finishes, and amenities of the density bonus affordable unit shall be comparable to new, affordable for-sale units in the subdivision. Prior to issuance of the building permit, the developer shall submit sufficient information to the satisfaction of the Planning and Building Director to ensure that the quality of materials, floor coverings, cabinets, fixtures, appliances, doors, and windows is comparable to new, affordable, for-sale units in the subdivision.

e. The inclusionary affordable unit shall be provided with adequate usable yard area comparable to the market rate units.
f. The developer shall execute and record a covenant satisfactory to the Planning and Building Department reserving 1 unit as affordable housing units in accordance with the provisions of Chapter 24.21 of the Encinitas Municipal Code. Said covenant shall include language that the inclusionary (affordable) housing unit shall be reserved in perpetuity at rent levels affordable to “very low income” households, those earning at or below 50% of the regional median income level. Income levels and affordable housing payments are established by HUD on an annual basis.

3. All retaining walls shall be constructed of textured masonry block such as split-faced block. The wall material, including any exposed mortar or grout, shall be colored similarly to the natural soil on the site. These items shall be approved by the Planning and Building Department prior to the issuance of grading permits.

4. Any proposed concrete drainage devices (catch basins, swales, etc.) shall be constructed of concrete colored similarly to the natural soil on the site. These items shall be approved by the Planning and Building Department prior to the issuance of grading permits.

5. A minimum of 3 lots within subdivision shall be limited to one story and 18 feet in height. The locations of the required one-story units shall be determined during the Design Review Permit process for the construction of the homes as required under condition M4 below. If developed as custom homes/lot sale project, placement of the minimum 3 single story homes shall be reviewed and approved by the Planning and Building Department prior to issuance of the first building permit for any residential unit within the subdivision. Chimneys may be allowed an additional two (2) feet in compliance with the requirements for chimneys above the roof line as per Municipal Code Section 30.16.010B6(a)(2).

6. The future placement of garages serving the future single-family residences on all proposed lots shall vary to avoid the appearance of repetitive garage doors, including but not limited to garages that are front-loaded, side-loaded, rear-loaded, and/or front-loaded with placement of the garage at the rear of the lot. Final placement of garages on each lot shall be subject to review and approval of the Planning and Building Department prior to issuance of a building permit.

7. A 10-foot wide public recreational trail easement shall be granted to the City of Encinitas over, upon, across and under the area as shown on the TM along the east side of Desert Rose Way fronting the subject property to the west. The easement shall be defined on the Final Map and no building, structures, or other things shall be constructed, erected, placed or maintained on the subject easement except for the construction and maintenance of said trail and structures appurtenant to the trail as approved by the Planning and Building, Parks and Recreation and Engineering Services Departments. The applicant shall install the trail per the ‘Type B’ trail standards identified in the Encinitas Recreational Trails Master Plan. The trail shall be designed and constructed in as natural of a condition as possible.

8. If the project is completed as a graded subdivision with no home construction, the landscape documentation package required by Condition SCB10 of this resolution shall be submitted with the grading and improvement plans for the project. The landscaping for each phase shall be implemented as per the landscape plan and the
Certificate of Completion required as per Condition SCB10 shall be submitted prior to final grading inspection by the Engineering Services Department and to the satisfaction of the Planning and Building Department.

9. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties. All irrigation lines shall be installed and maintained underground (except drip irrigation systems).

10. The project is subject to Chapter 23.26 of the Municipal Code (Water Efficient Landscape Regulations), which requires submittal of a landscape documentation package including a soils management report, planting and irrigation plans, a water efficient landscape worksheet, and a grading design plan, each to be prepared by a California licensed landscape architect, licensed civil engineer, licensed architect or other landscape professional licensed by the State to do the specific work. The requirements for the landscape documentation package are listed in Chapter 23.26. The landscape documentation package shall be submitted as part of the building permit application for the project.

11. Prior to receiving final approval for completion of the project, the developer shall submit a signed certificate of completion and final documentation for the project in accordance with Section 23.26.240 of the Municipal Code under penalty of perjury within 10 days after installation.

12. All recommendations made in the Fire Protection Plan dated October 8, 2009 and subsequent addendums dated January 6, 2010 and April 21, 2011 shall be implemented as prescribed therein to the satisfaction of the Planning and Building and Fire Departments.

13. Proposed private road improvements within Desert Rose Way and Dove Song Way shall be designed to maintain existing access to adjacent properties to the west of the subject property across Desert Rose Way. The design of the road improvements (including the ‘knuckle’) shall be reviewed and approved by the City of Encinitas Planning and Building and Engineering Services Departments prior to issuance to grading/improvement permits.

14. The wetland buffer barrier/wall shall be limited to a maximum 6 feet in height. The final design of the wall shall be reviewed and approved by the authorized decision making body as part of the entitlement process for the construction of the homes or prior to issuance of grading permit for the subdivision, whichever occurs first.

SCC The following mitigation measures identified in Section V of the Final Mitigated Negative Declaration for the project shall be implemented to the satisfaction of the Planning and Building Department:
Biological Resources

1. Prior to grading permit issuance, the project applicant shall mitigate impacts to 0.11 acre of Disturbed Diegan Coastal Sage Scrub at a 0.5:1 replacement ratio to the satisfaction of the Planning and Building Department Director. Mitigation for the coastal sage scrub impacts shall be achieved through off-site acquisition and conservation of 0.06 acre of similar habitat. Acquisition may be achieved by purchasing credits from a mitigation bank approved by the Wildlife Agencies.

2. Prior to grading permit issuance, the project applicant shall mitigate impacts to 0.06 acre of Non-native Grassland at a 0.5:1 replacement ratio to the satisfaction of the Planning and Building Department Director. Mitigation for Non-native Grassland shall be achieved through off-site acquisition and conservation of 0.03 acre of similar habitat or out-of-kind habitat in accordance with Section 4.4 of the MHCP Plan. Acquisition may be achieved by purchasing credits from a mitigation bank approved by the Wildlife Agencies.

3. Prior to grading permit issuance, the following measure shall be included on grading plans: If on-site trees are removed during the Cooper’s Hawk breeding season (March through June), a preconstruction survey shall be conducted by a qualified biologist no greater than three days prior to construction. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum of a 50-foot buffer and up to a maximum of 300 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete. The survey results shall be submitted to the Planning and Building Department prior to commencement of tree removal activity.

4. Prior to grading permit issuance, the project applicant shall record a biological open space easement, as portrayed on Tentative Map 09-200, to preserve on-site Southern Maritime Chaparral and wetland habitats. The easement shall include a minimum 25-foot wetland buffer as portrayed on the Tentative Map. The following restrictions shall apply to the open space easement and shall be included as part of the Homeowner Association (HOA) Covenants, Restrictions, and Conditions (CC&Rs) or other legally-enforceable HOA regulations:

   a. No development, construction of structures, installation of landscaping, or other land disturbing activities shall occur within the biological open space easement other than those activities proposed to naturally enhance/restore the open space as approved by the Planning and Building Department Director or those activities associated with fuel modification as provided by the project’s Fire Protection Plan (Firewise 2000, 10/8/09) and Wetland Enhancement Plan (Cummings and Associates, 7/2/08) that is approved by the California Department of Fish and Game through issuance of a Streambed Alteration Agreement.

   b. Any fuel modification within the open space easement shall be conducted outside of the avian breeding season unless a qualified biologist conducts a survey within the easement to determine the presence or absence of nesting bird species. If nesting birds are not found, then fuel modification may proceed within the breeding season.
Any fuel modification activity with the open space easement shall be monitored by a qualified biologist to ensure wetland and Southern Maritime Chaparral habitats are not disturbed.

c. No invasive plant species shall be planted in the open space easement. Invasive species consist of those listed on Lists A & B of the California Invasive Plant Council's "Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999". The Homeowner Association shall be responsible for any necessary removal of non-native invasive vegetation within the open space easement.

d. All outdoor lighting shall be directed away from the biological open space easement.

e. The limits of the biological open space easement shall be protected with permanent fencing to the satisfaction of the City’s Planning and Building Department Director and City’s Fire Marshall. Fencing should have no gates and be designed to prevent intrusion by pets, especially cats.

5. Prior to grading and building permit issuance, the limits of the biological open space easement shall be protected with construction and silt fencing that shall be portrayed on the construction plans to the satisfaction of the Planning and Building Department Director. Grading and building plans shall specify that construction fencing shall be maintained for the entire duration of construction activity until permanent fencing is installed.

6. Prior to grading permit issuance, the proposed Conceptual Wetland Enhancement Plan (Cummings and Associates, 7/1/08) shall be approved by the Encinitas Planning and Building Department and, through issuance of a Streambed Alteration Agreement, by the California Department of Fish and Game. The approved plan shall be bonded prior to grading permit issuance and implemented prior to issuance of certificate of occupancy for future residences.

7. Prior to issuance of construction permits, construction plans shall include the following measures:

a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.

b. The project site shall be kept clean of trash. All food-related trash items shall be enclosed in sealed containers and removed from the site on a daily basis.

c. Pets of project personnel shall not be allowed on the project site.

d. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks.

e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and shall be shown on the construction plans. Fueling of
equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. “No-fueling zones” shall be designated on construction plans.

8. Prior to issuance of certification of occupancy for future residences, the limits of the biological open space easement shall be protected with permanent fencing that shall be portrayed on the construction plans to the satisfaction of the City’s Planning and Building Department Director and City’s Fire Marshall.

9. Prior to building permit issuance, project landscape plans shall be reviewed and approved by the Planning and Building Department. The project applicant shall ensure that development landscaping does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include those species listed on Lists A & B of the California Invasive Plant Council’s (Cal-IPC) list of "Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999". This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPPC’s web site at http://www.cal-ipc.org. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas and water runoff from landscaped areas should be directed away from the biological conservation easement area and contained and/or treated within the development footprint. The project applicant shall submit a draft list of species to be included in the landscaping to the Wildlife Agencies for approval at least 30 days prior to initiating project impacts. The applicant shall submit to the Wildlife Agencies the final list of species to be included in the landscaping within 30 days of receiving approval of the draft list of species.

10. Prior to issuance of certificate of occupancy for future residences, the Homeowner Association (HOA) Covenants, Restrictions, and Conditions (CC&Rs) or other legally-enforceable HOA regulations shall prohibit the planting of invasive species within “Irrigation Zone A1” portrayed on the project’s Tentative Map (#09-200). Invasive species consist of those listed on Lists A & B of the California Invasive Plant Council's "Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999".

SCD The following conditions shall be implemented to the specifications of the Engineering Services Department:

1. The City geotechnical consultant shall review and approve the geotechnical report prior to approval of the Grading and Improvement plan as well as the Final Map.

2. This project is considered a priority stormwater development project and shall also comply with the required Hydromodification Management Plan section of the Encinitas Stormwater Manual. The preliminary “Water Quality Technical Report” dated November 15, 2011 by CTE, Inc. as well as the preliminary grading plan drawings demonstrate that HMP compliance generally can be achieved. However, this report and the preliminary drawings are not accepted as the final sizing and
design of the required IMP/BMP/HMP facilities. This project shall be subject to stormwater quality regulations in effect at the time of issuance of grading permit.

3. The structural section of the private streets shall be determined by the in-situ R-value as tested by the projects soils engineer but shall not be less than the city minimum of 4” AC over 6” class II base.

4. The developer shall construct a 5-foot wide decomposed granite trail along the southerly side of Dove Song Way connecting to the existing soft surface trail on Dove Song Way.

5. The developer shall provide a 5’ wide decomposed granite path along the west side of the private street. This path shall wrap around the intersection onto the north side of Dove Song Way. Additionally, the developer shall install a public recreational trail along the east side of Desert Rose Way along the property frontage as shown on the TM. Standard ADA compliant PCC pedestrian ramps shall be installed on both sides of all intersections.

6. All existing overhead utilities along the property frontage or within the project shall be reinstalled underground. Adequate surety shall be provided prior to the recordation of the final map to ensure the undergrounding occurs.

7. The property drains via a private drainage easements to the south and ultimately discharges on private property. Because the site runoff does not discharge to a public storm drain system, the proposed project shall not increase the runoff leaving the site. A drainage system shall be designed to ensure that runoff resulting from a 100-year frequency storm under developed conditions is equal to or less than the runoff from a storm of the same frequency and duration under existing conditions.

8. Per CSD Resolution 2000-007, the subject property has annexed into the Cardiff Sanitation District. The developer shall construct a public sewer main extension to service the new lots. As shown on the TM, the developer shall extend the public sewer main from Via Di Felicita North to the subdivision through an existing 12-foot wide public sewer easement located along the east side of the properties located at 930 & 940 Via Di Felicita (APN: 264-640-02 & 04).

9. Upon initial submittal of the grading plan, the developer shall submit a HEC-2/HECRAS study for the stream to the East to ensure that there is no adverse downstream impact resulting from this development.

10. For purposes of private road, drainage, and stormwater quality BMP/IMP/HMP facility maintenance, a Home Owners Association shall be created for this subdivision. Prior to recordation of the Final Map, private road, drainage, and stormwater quality BMP/IMP/HMP facility maintenance agreements shall be recorded against the property.

SCE The following conditions shall be completed and/or fulfilled to the satisfaction of the Olivenhain Municipal Water District (OMWD):

1. The OMWD does not allow water meters to be set in driveways. The applicant shall have all meters approved by the City and OMWD prior to issuance of grading permit.
2. The owner/applicant shall show all existing and proposed water facilities on improvement or grading plans for OMWD approval.

3. The owner/applicant is required to comply with the OMWD’s fees, charges, rules and regulations.

G1 **STANDARD CONDITIONS:**

CONTACT THE PLANNING AND BUILDING DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

G4 Prior to issuance of grading permit/recordation of the final map, the owner shall cause a covenant regarding real property to be recorded. Said covenant shall set forth the terms and conditions of this grant of approval and shall be of a form and content satisfactory to the Planning and Building Director. The Owner(s) agree, in acceptance of the conditions of this approval, to waive any claims of liability against the City and agrees to indemnify, hold harmless and defend the City and City's employees relative to the action to approve the project.

G5 Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

G10 All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (e.g. stucco-coated masonry, split-face block or slump stone). These items shall be approved by the planning and Building Department prior to the issuance of grading permit.

G13 The applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, and Fire Mitigation/Cost Recovery Fees. Arrangements to pay these fees shall be made prior to grading permit issuance/Final Map approval to the satisfaction of the Planning and Building and Engineering Services Departments. The applicant is advised to contact the Planning and Building Department regarding Park Mitigation Fees, the Engineering Services Department regarding Flood Control and Traffic Fees, applicable School District(s) regarding School Fees, the Fire Department regarding Fire Mitigation/Cost Recovery Fees, and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.

G14 A plan shall be submitted for approval by the Planning and Building Department, the Engineering Services Department, and the Fire Department regarding the security treatment of the site during the construction phase, the on- and off-site circulation and parking of construction workers' vehicles, and any heavy equipment needed for the construction of the project.

L5 All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be
of a type satisfactory to the Engineering and Planning and Building Departments. The property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.

DR1 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a design review permit contained in Section 23.08.140 of the Municipal Code. Modifications beyond the scope described therein may require submittal of an amendment to the design review permit and approval by the authorized agency.

M2 All project grading shall conform with the approved Tentative Map or Tentative Parcel Map. In cases where no grading is proposed at the time of the Tentative Map/Tentative Parcel Map, or in cases where the grading plan later submitted is not consistent with the approved Tentative Map/Tentative Parcel Map, the applicant shall be required to obtain a design review permit for grading prior to issuance of grading permits.

M4 The property owner/developer shall obtain design review permits through the City for homes to be constructed on the lots resulting from the approved map, as well as all related site improvements. If the property owner/developer elects to develop the lots resulting from the approved final map as custom homesites, the design review permit requirement may be waived by the Planning and Building Department pursuant to Section 23.08.030 (7) of the Municipal Code. The property owner/developer is advised to contact the Planning and Building Department at such time as development of the subject property is planned to determine whether a design review permit will be required. A standard covenant specifying this condition shall be recorded in the Office of the County Recorder to give constructive notice to future purchasers of the site.

M6 Street names shall be approved by the City prior to the recordation of the final map, and street addresses shall be provided by the Planning and Building Department prior to the issuance of building permits.

M7 The approved grade and/or pad elevations shown on the approved tentative map or tentative parcel map shall be used as the basis for measuring the height of all structures to be constructed on the resulting lots in accordance with Section 30.16.010B6(d) of the Municipal Code, with said grade/pad elevations having been established with consideration given to on-site and surrounding uses and terrain.

MT1 Prior to recordation of the final map, the developer shall execute and record a covenant, reviewed and approved by the Planning and Building, Parks and Recreation, and Engineering Services Departments, advising any and all successors in interest that the property is located with an easement on, adjacent to, or near the subject property for the purpose of allowing recreation traffic.

MT2 The developer shall improve the recreation trail system as specified on the Tentative Subdivision Map identified as approved by the Planning Commission on November 1, 2012, in accordance with the adopted standards that are in effect at the time of Final Map
approval and to the satisfaction of the Planning and Building, Parks and Recreation, and Engineering Services Departments. Said improvements including, but not limited to, grading, soil compaction, drainage control, signage, access control, erosion control, etc., shall conform to the standards in the adopted “Encinitas Recreational Trails Master Plan”.

MT5 Since public recreational trails are required as a part of the subdivision, the developer shall display a map in the sales office of said subdivision indicating the trails.

F1 FIRE CONDITIONS:

CONTACT THE ENCINITAS FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

F2 ACCESS ROAD MINIMUM DIMENSIONS: Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Exception: Single-Family residential driveways; serving no more than four single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds.

F4 DEAD ENDS: All dead-end fire access roads in excess of 150 feet in length shall be provided with approved provision for the turning around of emergency apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than four (4) structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas with no parking.

F5 GRADE: The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).

F6 GATES: All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. Gates across fire access roadways shall be automatic and equipped with approved emergency key operated switches overriding all command functions and opens the gate(s). Power supply shall be connected to a reliable municipal source. Gates accessing four (4) or more residences or residential lots, or gates accessing hazardous, institutional, and educational or assembly occupancy group structures, shall also be equipped with approved emergency traffic control activating strobe sensor(s), which will activate the gate on the approach of emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure. All automatic gates must meet Fire Department requirements for rapid, reliable access.
Where this Section requires an approved key-operated switch, it shall be dual keyed or dual switches with covers provided to facilitate access by law enforcement personnel.

F7 RESPONSE MAPS: Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in one of the following formats (AutoCAD DWG, DXF, ESRI shapefile, ESRI personal geodatabase, or XML format) and shall be charged a reasonable fee for updating all response maps.

F8 CONSTRUCTION MATERIALS: Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department:
1. All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency;
2. As a minimum the first lift of asphalt paving shall be in place to provide a permanent all weather surface for emergency vehicles; and
3. All fire hydrants shall be installed, in service and accepted by the Fire Department and applicable water district.

F9 POSTING OR STRIPPING ROADWAYS “NO PARKING FIRE LANE”: Fire Department access roadways, when required, shall be properly identified as per Encinitas Fire Department standards.

F10 OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION: All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Encinitas Fire Department.

F11 FIRE HYDRANTS AND FIRE FLOWS: The applicant shall provide fire hydrants of a type, number, and location satisfactory to the Encinitas Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Multi-family residential or industrial fire hydrants shall have two (2) 4” inch and two (2) 2½” inch NST outlets. Residential fire hydrants shall have one (1) 4” inch NST outlet, and one (1) 21/2” inch NST outlets.

F12 FUEL MODIFICATION ZONES/FIRE BREAKS: The applicant shall provide and maintain fire/fuel breaks to the satisfaction of the Encinitas Fire Department. Fire/fuel breaks size and composition shall be determined by the Fire Department and shown on the improvement /grading plans and final map and building plans.

F-13 ADDRESS NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4” high with a 3/8” stroke for residential buildings, 8” high with a ½” stroke for commercial and multi-family residential
buildings, 12” high with a 1” stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

F14 ADDRESS NUMBERS FOR STRUCTURES LOCATED OFF ROADWAY: Where structures are located off a roadway on long easements/driveways, a monument marker shall be placed at the entrance where the easement/driveway intersects the main roadway. Permanent address numbers with height conforming to Fire Department standards shall be affixed to this marker.

F15A AUTOMATIC FIRE SPRINKLER SYSTEM-ONE AND TWO FAMILY DWELLINGS: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to the issuance of building permit(s).

F16 FIRE RESISTIVE CONSTRUCTION REQUIREMENTS FOR WILDLAND / URBAN INTERFACE AREAS: Structures shall meet all wildland/urban interface standards to the satisfaction of the Fire Department. As a minimum structures shall meet the following fire resistive construction requirements: (1) Exterior wall surfacing materials shall be of non-combustible materials; (2) Glazing materials shall be tempered multi-paned glass panels; (3) Skylights within one-half mile of the wildland area shall be tempered glass; (4) Ventilation in exterior fire resistive walls, they shall be constructed to maintain the fire resistive integrity of the wall; (6) Roof covering shall not be less than a Class “A” roof assembly; (7) Vinyl windows, if used, shall meet the following requirements: (a) Frame and sash are comprised of vinyl material with welded corners; (b) Metal sash profiles are certified in AAMA Lineal Certification Program (verified with either an AAMA product label or Certified Products Directory); and (e) Certified and labeled to ANSI/AAMA/NWWDA 101/IES02-97 for structural requirements; and (8) Structures shall have an automatic fire sprinkler system installed to the satisfaction of the Fire Department. Structures shall comply with 2006 International Wildland Urban Interface Standards and Encinitas Fire Department Amendments.

F17 SMOKE DETECTORS/FIRE SPRINKLER SYSTEMS: Smoke detectors/fire sprinklers shall be inspected by the Encinitas Fire Department.

F18 CLASS “A” ROOF: All structures shall be provided with a Class “A” Roof covering to the satisfaction of the Encinitas Fire Department.

E1 ENGINEERING CONDITIONS:

CONTACT THE ENGINEERING SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

E2 All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.
E3 All drawings submitted for Engineering permits are required to reference the NAVD 88 datum; the NGVD 29 datum will not be accepted.

EG1 **Grading Conditions**

EG3 The owner shall obtain a grading permit prior to the commencement of any clearing or grading of the site.

EG4 The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Engineering Services Director and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.

EG5 No grading shall occur outside the limits of the project unless a letter of permission is obtained from the owners of the affected properties.

EG6 Separate grading plans shall be submitted and approved and separate grading permits issued for borrow or disposal sites if located within city limits.

EG7 All newly created slopes within this project shall be no steeper than 2:1.

EG8 A soils/geological/hydraulic report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The report shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading permit for the project.

EG9 Prior to hauling dirt or construction materials to any proposed construction site within this project the owner shall submit to and receive approval from the Engineering Services Director for the proposed haul route. The owner shall comply with all conditions and requirements the Engineering Services Director may impose with regards to the hauling operation.

EG10 In accordance with Section 23.24.370 (A) of the Municipal Code, no grading permit shall be issued for work occurring between October 1st of any year and April 15th of the following year, unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the field inspector to protect the adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

ED1 **Drainage Conditions**

ED2A An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Best Management
Practice Manual shall be employed to determine appropriate storm water pollution control practices during construction.

ED3 A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent lands, shall be required. Said drainage system shall include any easements and structures required by the Engineering Services Director to properly handle the drainage.

ED5 The owner shall pay the current local drainage area fee prior to issuance of the building permit for this project or shall construct drainage systems in conformance with the Master Drainage Plan and City of Encinitas Standards as required by the Engineering Services Director.

ES1 Street Conditions

ES4 Reciprocal access and/or maintenance agreements shall be provided ensuring access to all parcels over private roads, drives or parking areas and maintenance thereof to the satisfaction of the Engineering Services Director.

ES5 Prior to any work being performed in the public right-of-way, a right-of-way construction permit shall be obtained from the Engineering Services Director and appropriate fees paid, in addition to any other permits required.

ES8 The design of all private driveways and drainage systems shall be approved by the Engineering Services Director prior to issuance of any grading or building permit for this project. The structural section of all private streets shall conform to City of Encinitas Standards based on R-value tests. The standard improvement plan check deposit is required.

EU1 Utilities

EU2 The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project.

EU3 The owner shall be responsible for coordination with S.D.G. & E., AT&T, and other applicable authorities.

EU4A The existing overhead utilities service to the property shall be undergrounded.

EU5 The owner shall be responsible for the relocation and undergrounding of existing public utilities, as required.

ESW1 Storm Water Pollution Control Conditions

ESW2 Grading projects with a disturbed area of greater than 1 acre must also meet additional requirements from the State Water Resources Control Board (SWRCB). Those
additional requirements include filing a Notice of Intent (NOI) and preparing a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the City.

ESW4 Priority Projects shall implement a single or a combination of storm water Best Management Practice methods in order to reduce to the maximum extent practicable the quantity of pollutants entering the public storm drain system or any receiving body of water supporting beneficial uses. All Priority Projects shall construct and implement a structural treatment control BMP, such as natural bio-filtration system or a treatment detention basin, designed to infiltrate, filter, or treat a quantity of storm runoff equal to or greater than the volume generated by a 0.6” precipitation storm event in a duration of twenty-four hours or the maximum flow rate produced by a rainfall of 0.2 inches during each hour of a storm event. The filtration system shall be designed based upon best management practice standards and must be approved by the City Engineer. A covenant approved by the City shall be recorded against the property to ensure the professional maintenance, repair, and replacement of the storm water quality BMP as necessary into perpetuity. The covenant shall also detail the funding mechanism for the required maintenance. A Grading Plan/Building Permit Site Plan identifying all landscape areas designed for storm water pollution control (SWPC) and Best Management Practice shall be submitted to the City for Engineering Services Department approval. A note shall be placed on the plans indicating that the modification or removal of the SWPC facilities without a permit from the City is prohibited.

ESW9 For storm water pollution control purposes, all runoff from all roof drains shall discharge onto grass and landscape areas prior to collection and discharge onto the street and/or into the public storm drain system. Grass and landscape areas designated for storm water pollution control shall not be modified without a permit from the City. A note to this effect shall be placed on the Grading Permit Site plan.

EM3 This project is approved specifically as 1 (single) phase.

EM5 Public/private improvement plans and grading plans shall be approved and adequate surety shall be posted prior to a public hearing for approval of the final map.