



ERIC GIBSON
INTERIM DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

January 17, 2008

David Stearn
DR Horton
5790 Fleet Street, Suite 140
Carlsbad, CA 92008

RE: TM5388; ER04-08-032; R07-009 LAGO SAN MARCOS ; APPLICATION
AMENDMENT FORM/FISH AND GAME FEES/DOCUMENT REQUEST

Dear Mr. Stearn:

The Department of Planning and Land Use (DPLU) staff has completed the review of your Application for Environmental Initial Study (AEIS) for the subject project and have found it to be adequate. However, before the AEIS is determined to be "complete" pursuant to the California Environmental Quality Act (CEQA), we must first obtain your concurrence with the environmental mitigation measures for the project. Your concurrence is required so that the CEQA findings can be made which will allow us to move forward with the processing of a Mitigated Negative Declaration. Please review the attached Application Amendment Form and, if you concur with the measures, sign and return the original as soon as possible so that we can proceed with the processing of the Mitigated Negative Declaration.

NOTE: We strongly suggest that you review these measures carefully because changing them later may result in substantial costs and delays in the processing of your project.

The DPLU will also need copies of documents for distribution during public review. The documents needed and the numbers of copies/exhibits required are listed in the "SUBMITTAL REQUIREMENTS" section, below.

Additionally, because your project has an effect on native biological resources, State law requires the payment of a \$1,876.75 fee to the California Department of Fish and Game for their review of the Mitigated Negative Declaration (Fish and Game Code §711.4) and a \$50 administrative fee to the County (\$1,926.75 total). Payment of these fees is required regardless of whether or not the effects on native biological resources

INFORMATION/DOCUMENT	NO. OF COPIES	LEAD REVIEW/SECTION OR DEPT
Revised Map/Plot Plan Exhibit (11 x 17" max.) Including any proposed open space easements – Note: If the Map/Plot Plan Exhibit does not show preliminary grading, a separate preliminary grading exhibit of the same requested amount is required.	11	Terry Powers, DPLU (All)
Regional USGS Exhibit (8.5" x 11")	11	Terry Powers, DPLU (All)
Proof of payment (i.e., receipt) of DF&G fees (certified check or cashier's check)	1	Terry Powers, DPLU (1)
Application Amendment Form signed and dated.	1	Terry Powers, DPLU (1)
Storm Water Management Plan dated 12/12/06	26	Terry Powers, DPLU (All)
Drainage Study dated 12/12/06	26	Terry Powers, DPLU (All)
Noise Study (with revisions)	25	Terry Powers, DPLU (All)
Traffic Study	26	Terry Powers, DPLU (All)
<p>Electronic Documents (CDs / DVDs) (each of the following documents needs to be included on each CD or DVD - see attachment for further guidance)</p> <ul style="list-style-type: none"> - Map/Plot Plan - Preliminary Grading Plan - Regional USGS Exhibit (8.5" x 11") <p>Storm Water Management Plan dated 12/12/06 Drainage Study dated 12/12/06 Noise Study (with revisions) Traffic Study</p>	16 of CDs or DVDs	Terry Powers, DPLU (All)
Updated Service Availability Forms – Water/Sewer Note: Provide Updated Comments for Fire	2 each	Regulatory (1 each) / Department of Environmental Health (1 each)

APPLICATION AMENDMENT FORM

PROJECT NAME: LAGO DE SAN MARCOS;

CASE NUMBERS: TM 5388; R07-009; LOG NO. 04-08-032

I would like to amend my application for the above-listed project to include as part of the project proposal the following conditions of approval:

Prior to Distribution of Public Review Documents provide the following:

1. Please revise the Tentative Map as follows:
 - a. Revise the Parking Summary on to indicate that there will be a total of 42 units (under Visitor Parking).
 - b. Remove the words "Illustrative Site Plan".
2. Provide updated Project Facility Availability Forms for Fire, Sewer and Water.
3. Provide updated comments from the San Marcos Fire Protection District.

Department of Public Works Conditions

- I. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
 - II. The subject Tentative Map is a proposed residential subdivision in the Lake San Marcos area. It proposes to utilize one 1.97 acre lot for 42 residential condominium units within 8 buildings.
 - III. If the Board of Supervisors approves this Tentative Map and Zone Reclassification, approval should be subject to the conditions and requirements of Division I of Title 8 of the San Diego County Code.
- B. The "Standard Conditions for Tentative Subdivision Maps," approved by the Board of Supervisors on June 16, 2000 and filed with the Clerk as Document No. 740858(a), shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this resolution or shown on the Tentative Map will be authorized.
- C. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County.

PLANS AND SPECIFICATIONS

This requirement shall be to the satisfaction of the Director of Public Works.

- b. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

DEVELOPMENT IMPACT FEES

7. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the development improvements.

FINAL MAP RECORDATION

(Streets and Dedication)

8. Specific Conditions:

- a. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- b. Relinquish access rights into Lake San Marcos Drive except for one driveway locations, aligned at La Tierra Drive, as shown on the approved Tentative Map.

or modification of the following:

a. Standard Conditions for Tentative Maps:

- (1) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

Said subdivision is hereby approved pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public and Private Road Standards, and all other required Ordinances of San Diego County except for a waiver or modification of the:

DEPARTMENT OF PLANNING AND LAND USE CONDITIONS

Noise Conditions

Staff has completed the review of the Lago de San Marcos project TM5388 and the Acoustical Site Assessment report prepared by Investigative Science and Engineering, Inc. (ISE) received on May 15, 2007. Documentation and analysis is considered complete and Staff is now able to make final recommendations that will ensure that the project will comply with County Noise regulations. Based on the noise report the project is zoned as C31 and all contiguous properties are zoned residential. The proposed project is subject to the arithmetic mean of two zones which result in a nighttime sound level limit of 50 dBA at the property line, referencing Noise Ordinance Section 36.404. Noise generating equipment will consist of two types of Lennox HVAC units that will be located throughout the project site. The Lennox HVAC units will produce sound levels as high as 50.0 dBA at the western property line complying with the County Noise Ordinance requirements. Proposed project will be exposed to vehicle traffic noise from Rancho Santa Fe Road and Lake San Marcos Drive. According to the noise report, noise affected balcony areas will have noise levels as high as 59.9 CNEL at Building 6 and 52.7 CNEL at the common recreational area. All project balconies will incorporate a 42 inch high solid guard wall. Due to the proposed intervening condominium units and the proposed 42 inch high solid guard wall, no exterior mitigation would be necessary for noise sensitive outdoor use areas. For balcony noise level details, refer to Table 2b and Figure 5b in the noise report. The location of the 60 dBA CNEL contour will saturate the entire project site. Staff recommends a Noise Protection Easement over the entire lot. Dedication of the noise protection easement will ensure that proposed project will comply with County noise regulations.

On the Final Map the applicant shall grant to the County of San Diego a Noise Protection Easement over the entire lot area. This easement is for the mitigation of present and anticipated future excess noise levels on noise sensitive land uses of residential uses of the affected lot. The easement shall require the following:

Landscape Plan

Prior to the issuance of a grading permit, the subdivider shall obtain approval from the Director of Planning and Land Use of a detailed Landscape Plan. The Landscape Plan and review fee shall be submitted to the Regulatory Planning Division. Said Plan shall show the types and locations of all landscaping features including planting and irrigation. The landscape material shall not interfere with any required solar access (plans shall show the proposed solar access/solar panel locations). [DPLU - Regulatory Planning Division]

Requirements are based on the County of San Diego's Landscape Water Conservation Design Manual, and the County's Off Street Parking Design Manual.

The Landscape Plan shall address the following concern(s):

1. Provide a landscape plan that addresses the recreation center, parking areas, and all slopes 3' in vertical height and above. Include landscaping within the public right-of-way, however, trees are not allowed within the right-of-way unless an Encroachment permit has been issued by the Department of Public Works. Street trees shall be located just inside the property line. Provide screening of all proposed retaining walls from surrounding properties and public streets.
2. The four proposed parking stalls adjacent to Private Drive E will require wheel stops to prevent damage to any landscape and irrigation proposed for this area. Please show. The parking stalls adjacent to the recreation area will not require wheel stops because of the extra 2' added to the 4' sidewalk
3. Provide screening of all proposed retaining walls.
4. Per the Off Street Parking Design Manual, all parking stalls shall be within 30' of the trunk of a tree for heat relief and screening.
5. Provide a note on the plans that indicates how the landscaping will be irrigated and who will be responsible for ongoing maintenance, including the right-of-way. All irrigation systems shall be fully automatic and include a rain sensing override device.

The undersigned, as the individual(s) with legal authority to fully represent the above-referenced project, concur with the inclusion of the above-listed amendments as conditions of approval of the referenced project.

By:



Date 1/21/08

David Stearn, V.P. (Print Name and Title)