

City Council Agenda Item No. 9 – December 8, 2020
20-0475

Proposed revisions to Tentative Map Condition Nos. 7 and 15 of Resolution C (Strikeout/Underline)

7. The Applicant, or his/her successors in interest, shall submit a Declaration of Covenants, Conditions, and Restrictions (the “CC&Rs”) as approved by the City Attorney to the City Engineer and the Director of Development Services Department for approval prior to approval of the Final Map. Said CC&Rs shall be consistent with Chapter 18.44 of the Subdivision Ordinance and shall include, among other necessary, appropriate or customary provisions, the following obligations of the Homeowners Association (HOA):
 - a. Indemnification of City.
 - b. Indemnification of City for private sewer spillage.
 - c. Listing of maintained private facilities.
 - d. The City’s right but not the obligation to enforce the CC&R’s.
 - e. Provision that no private facilities shall be requested to become public.
 - f. Maintenance of all walls, fences, lighting structures, paths, recreational amenities and structures, sewage facilities (including the private sewer pump station and all systems and appurtenance [the “private pump station”]), drainage structures and landscaping.
 - g. Implement education and enforcement program to prevent the discharge of pollutants from all on-site sources to the storm water conveyance system.
 - h. Include a provision assuring HOA membership in the USA Dig Alert Service in perpetuity. The HOA will be required to mark out all underground HOA facilities upon advance notice by the USA Dig Alert Service.
 - i. Provision for funding of increased costs to the City, if any, for the maintenance or repair of the Telegraph Canyon Channel culvert as a result of the location or design of the Project’s private improvements.

15. The Applicant, or his/her successors in interest, shall obtain ACOE Section 408/404 permit approval, as required, prior to any construction activities within the Telegraph Canyon Channel Easements. ~~AOCE Permit requirements must be incorporated into the Project.~~ ACOE Permit requirements will be incorporated as conditions of the Project. Such requirements may include, without limitation, additional construction access easements for the benefit of one or more public agencies, encroachment removal obligations, maintenance agreements or other similar provisions designed to mitigate future public maintenance and replacement costs of the Telegraph Channel culvert.